

EcoTec, Inc.
ENVIRONMENTAL CONSULTING SERVICES
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Electronic Submittal to City of Newton via NEWGOV
Certified Mail, Return Receipt Requested to DEP-NERO

November 11, 2022

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

RE: -Request for Determination of Applicability under the Massachusetts Wetlands Protection Act and Newton Floodplain Ordinance
-Proposed Driveways, Walkways, and Stormwater Improvements in the Outer 100' Buffer Zone; 264-266 Lagrange Street, Newton, Massachusetts
-Applicant: 264-266 Lagrange Street LLC

To the Commission:

This Request for Determination of Applicability (RDA) has been filed with the City of Newton Conservation Commission electronically under the Massachusetts Wetlands Protection Act and the Newton Floodplain Ordinance through NEWGOV. There is no filing fee or abutter notification required for an RDA under the Act; the \$50.00 check for the filing fee under the Ordinance was delivered to and received by Ellen Menounos on November 4, 2022.

Please have the legal notice billed to EcoTec, Inc. (508-752-9666 ext. 3; jrockwood@ecotecinc.com).

The Applicant is seeking a Negative Determination 3 for work proposed in the 100' Buffer Zone that will not affect the adjacent resource area and a Negative Determination 6 under the City of Newton Floodplain Ordinance, Section 22-22.

Wetland Resource Evaluation:

On October 19, 2022, EcoTec, Inc. inspected the above-referenced property and the land located directly across Lagrange Street within 100 feet of the site for the presence of

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

The subject site consists of a 10,096± square foot parcel located to the southwest of Lagrange Street in southwestern Newton (Chestnut Hill), Massachusetts (see attached Locus Map and Newton GIS Browser Map). The site is entirely previously developed with a two-family house with chimney, paved driveway, front walkway and landing/stairs, side and rear paved walkway with concrete basement access and wooden rear landing, stockade fencing, three small understory trees, and lawn and landscaping (see Existing Conditions Site Plan). A granite curb, lawn strip, and concrete sidewalk occur between the site and Lagrange Street; there are no street trees along the site frontage. No wetland resource areas occur on the site; the wetland resources observed across Lagrange Street are described below.

Methodology:

The subject site and adjacent areas were inspected, and areas suspected to qualify as wetland resources were identified. No wetland resource areas were identified on the site; Bordering Vegetated Wetlands were observed and delineated across Lagrange Street from the site. The boundary of Bordering Vegetated Wetlands was delineated in the field in accordance with the definition set forth in the regulations at 310 CMR 10.55(2)(c). Section 10.55(2)(c) states that “The boundary of Bordering Vegetated Wetlands is the line within which 50% or more of the vegetational community consists of wetland indicator plants and saturated or inundated conditions exist.” The methodology used to delineate Bordering Vegetated Wetlands is further described in: (1) the BVW Policy “*BVW: Bordering Vegetated Wetlands Delineation Criteria and Methodology*,” issued March 1, 1995; and (2) “*Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act: A Handbook*,” produced by the Massachusetts Department of Environmental Protection, dated March 1995. The plant taxonomy used in this report is based on the *National List of Plant Species that Occur in Wetlands: Massachusetts* (Fish and Wildlife Service, U.S. Department of the Interior, 1988). Federal wetlands were presumed to have boundaries conterminous with the delineated Bordering Vegetated Wetlands. One set of DEP Bordering Vegetated Wetland Delineation Field Data Forms completed near flag A2 are attached to this letter. The table below provides the Flag Numbers, Flag Type, and Wetland Types and Locations for the delineated wetland resources.

Flag Numbers	Flag Type	Wetland Type and Location
Start A1 to A8 Stop	Blue Flags	Boundary of Bordering Vegetated Wetlands located across Lagrange Street from the site in the Kessler Conservation Area that is associated with an off-site stream.

Findings:

Land Under Water Bodies and Waterways, Bank, and Bordering Vegetated Wetlands:

There are no water bodies, waterways, or vegetated wetlands on the subject site. Wetland A (i.e., flags A1 to A8), which is located across Lagrange Street from the site, consists of forested swamp that is associated with an off-site stream. Plant species observed in the delineated area include red maple (*Acer rubrum*) and American elm (*Ulmus americana*) trees, saplings, and/or shrubs; poison ivy (*Toxicodendron radicans*) and grape (*Vitis sp.*) climbing woody vines; glossy buckthorn (*Rhamnus frangula*), common buckthorn (*Rhamnus cathartica*), and arrow-wood (*Viburnum dentatum*) shrubs; and grasses (Gramineae sp.), sedges (*Carex sp.*), and golden-rods (*Solidago sp.*) ground cover. Evidence of wetland hydrology includes hydric soils and pore linings. The vegetated wetland borders a stream; as such, the vegetated wetlands would be regulated as Bordering Vegetated Wetlands and the stream would be regulated as Bank and Land Under Water Bodies and Waterways under the Regulations. A 100-foot Buffer Zone, which projects onto the subject site, extends horizontally outward from the edge of Bordering Vegetated Wetlands under the Regulations.

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. Based upon a review of the Flood Insurance Rate Map, Map Number 25017C0566E, Effective Date June 4, 2010 (attached), the site is mapped as Other Areas: Zone X, which is defined as areas located outside of the 0.2% annual chance flood (i.e., outside of 500-year floodplain). There are no areas mapped as 100-year floodplain (i.e., Zone A or AE) proximate to the site; the area across Lagrange Street from the site is mapped as Other Flood Areas: Zone X, which is defined as areas located within the 0.2% annual chance flood (i.e., 500-year floodplain). As such, Bordering Land Subject to Flooding does not occur on the site. Bordering Land Subject to Flooding does not have a 100-foot Buffer Zone under the Regulations.

The Newton GIS Browser (attached) shows a mapped Ordinance Floodplain across Lagrange Street to the north of the site: (g)4.(6) Bald Pate Meadow with a watershed

elevation of 142.0 feet City of Newton Datum. Given the existing site elevations, Ordinance Floodplain does not occur on the subject site. Section 22-22 does not establish any form of buffer zone.

Riverfront Area: The Massachusetts Rivers Protection Act amended the Act to establish an additional wetland resource area: Riverfront Area. Based upon a review of the current USGS Map, Boston South Quadrangle, dated 1987 (attached), there are no mapped streams located on or within 200 feet of the site. Based upon observations made during the site visit, there are no significant streams located on or within 200 feet of the site. A tributary to Saw Mill Brook, which is located over 200 feet to the northeast of the site, is considered perennial per the Newton GIS Browser. Given the lack of perennial streams located on or within 200 feet of the site, Riverfront Area under the Regulations would not occur on the site.

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

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

Proposed Area and Activity:

The subject site, 264-266 Lagrange Street, consists of a 10,096± square foot parcel located to the southwest of Lagrange Street in southwestern Newton (Chestnut Hill), Massachusetts. The site is entirely previously developed with a two-family house with chimney, paved driveway, front walkway and landing/stairs, side and rear paved walkway with concrete basement access and wooden rear landing, stockade fencing, three small understory trees, and lawn and landscaping (see Existing Conditions Site Plan and attached Site Photographs). No wetland resource areas occur on the subject site; the outer portion of the 100-foot Buffer Zone to an off-site Bordering Vegetated Wetlands

located across Lagrange Street to the northwest of the site projects into the northwestern portion of the subject site. The Ordinance Floodplain associated with Bald Pate Meadow Brook is located off-site across Lagrange Street to the north of the subject site.

The proposed project consists of the demolition of the existing two-family house, removal of the existing driveway and walkways, and the removal of three understory trees and the construction of a new two-family house, paved driveways, front walkways, rear patios, utilities, a stormwater management system, the establishment of four understory saplings, and associated grading, lawn, and landscaping (see Proposed Conditions Plan). The proposed house has been located outside of the 100' Buffer Zone. Work proposed within the 100' Buffer Zone includes demolition of a small portion of the existing house, removal of part of the existing paved driveway, removal of the existing front walkway and stairs/landing, the removal of two understory trees and the construction of two new paved driveways with trench drains, two new front walkways, utilities, stormwater management system including drain manhole and infiltration system (see Drainage Report included with this RDA), the establishment of four understory saplings, and associated grading, lawn, and landscaping. Lastly, the existing concrete sidewalk on the site side of Lagrange Street will be replaced as required by City of Newton requirements.

A temporary chain-link fence and entrenched siltation fence are located around the site perimeter. A 12" compost sock is proposed to be added to the project side of the existing siltation fence barrier. The work area will be accessed from Lagrange Street via a temporary construction entrance as shown on the Site Plan. Excavated soil will be stockpiled outside of the 100' Buffer Zone; once the foundation has been backfilled, all extra soil will be removed from the site. Concrete washout will occur within the western driveway area. Disturbed lawn areas will be brought to proposed grades and seeded, hydroseeded, or sodded as lawn.

The site is located across a substantial paved and curbed street from the adjacent resource area. Work on the site is located in the outer Buffer Zone between 65 and 100 feet from the Bordering Vegetated Wetlands located across Lagrange Street from the site. The proposed house has been located entirely outside of the 100' Buffer Zone. The area within the limit of work within the 100' Buffer Zone is relatively level and is limited to 3,200± square feet. Proposed impervious area within the 100' Buffer Zone will increase by 1,100± square feet from 565± under existing conditions to 1,665± square feet under proposed conditions. Under existing conditions roof runoff is discharged to the ground surface and driveway runoff is untreated and uncontrolled; under proposed

conditions, as required by the Stormwater Ordinance, driveway runoff is treated and infiltrated and roof runoff is collected and infiltrated. This represents a vast improvement over the existing condition. An erosion control barrier comprising the existing entrenched siltation fence fronted by a proposed 12" compost sock as shown on the Site Plan is proposed. Site access from Lagrange Street will be via a temporary construction access. Four 1.5" caliper understory saplings are proposed to be established within the 100' Buffer Zone. The erosion control barrier will remain in place until the site is vegetatively stabilized.

Narrative Standard for Work in the Buffer Zone:

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

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

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

The project site is located across a substantial paved and curbed street from the adjacent resource area. Again, work on the site is located in the outer Buffer Zone between 65 and 100 feet from the Bordering Vegetated Wetlands located across Lagrange Street from the site. The proposed house has been located entirely outside of the 100’ Buffer Zone. Prior to the start of earth moving activities, an erosion control barrier consisting of an existing entrenched siltation fence fronted by a proposed 12” staked compost sock will be located around the work area as shown on the Site Plan. This erosion control barrier will be maintained until the work area is stabilized and approval of the issuing authority received for its removal. Site access from Lagrange Street will be via a temporary construction access as shown on the Site Plan. Under existing and proposed conditions, the site and the area within the 100’ Buffer Zone is relatively level. The site is not located within or near mapped rare species habitat and the site does not discharge to a critical area. A total of three understory trees are proposed to be removed from the site, with two of these located within the 100’ Buffer Zone. Four native understory saplings are proposed to be established within the 100’ Buffer Zone near the site frontage. The proposed project results in an increase in impervious area on the site and within the 100’ Buffer Zone. Under existing conditions roof runoff is discharged to the ground surface and driveway runoff is untreated and uncontrolled; under proposed conditions, as required by the Stormwater Ordinance, driveway runoff is collected and treated through trench drains at each driveway, a deep sump manhole, and an infiltration system; roof runoff is collected and infiltrated through this same infiltration system located within the 100’ Buffer Zone. Areas disturbed as part of the project will be brought to proposed grade and seeded, hydroseeded, or sodded as lawn. Again, the erosion control barrier will remain in place until the site is vegetatively stabilized.

City of Newton 25-foot Naturally Vegetated Buffer (NVB) Policy:

This Policy was implemented in June 2019 and is intended to protect the functions of Newton’s wetland resource areas by protecting and or re-establishing a naturally vegetated buffer proximate to protected wetland resource areas. The project site is located across Lagrange Street and is located greater than 50 feet from the Bordering Vegetated Wetlands. The entire 25’ Buffer Zone is located across Lagrange Street from

the site and is vegetated. Given the above, the 25' Buffer Zone will not be impacted by the proposed project.

Again, the Applicant is seeking a Negative Determination 3 for work proposed in the 100' Buffer Zone that will not affect the adjacent resource area and a Negative Determination 6 under the City of Newton Floodplain Ordinance, Section 22-22.

Submitted Materials:

This submittal consists of the following:

1. This Cover Letter, including;
 - a. City of Newton Locus Map with site indicated;
 - b. City of Newton GIS Browser Map with site indicated;
 - c. BVW Field Forms for Wetland Flag A2;
 - d. Flood Insurance Rate Map, Map Number 25017C0566E, Effective Date June 4, 2010, with the site indicated;
 - e. USGS Topographic Map, Boston South Quadrangle, dated 1987 with the site indicated;
 - f. Massachusetts NHESP Atlas, 15th Edition, effective August 1, 2021, with the site indicated;
 - g. Resume; and
 - h. Site Photographs, EcoTec, Inc., October 19, 2022;
2. City of Newton Cons.Com. Wetland Application Coversheet/Checklist and a copy of the Ordinance Filing Fee Check;
3. The Request for Determination of Applicability Form (WPA Form 1);
4. "Drainage Report, 264-266 Lagrange Street, Newton, Massachusetts," prepared by VTP Associates, Inc., dated November 1, 2022, Signed and Stamped by Marc Besio, P.E.;
5. Site Plan:
 - a. "Topographic Site Plan, Newton (CH), Massachusetts, Showing Existing Conditions at #264-266 Lagrange Street," Sheet 1 of 1, Scale 1" = 10', prepared by VTP Associates, Inc., dated October 25, 2022, Signed and Stamped by Joseph T. Porter, PLS;
 - b. "Topographic Site Plan, Newton (CH), Massachusetts, Showing Proposed Conditions at #264-266 Lagrange Street," Sheet 1 of 2, Scale 1" = 10', prepared by VTP Associates, Inc., dated November 1, 2022, Signed and Stamped by Joseph T. Porter, PLS and Marc Besio, P.E.; and

Newton Conservation Commission

November 11, 2022

Page 9.

- c. "Details, Newton (CH), Massachusetts, Showing Proposed Conditions at #264-266 Lagrange Street," Sheet 2 of 2, Scale N.T.S., prepared by VTP Associates, Inc., dated November 1, 2022, Signed and Stamped by Joseph T. Porter, PLS and Marc Besio, P.E.

One copy of this submittal will be sent by certified mail, return receipt requested to MassDEP-NERO. Again, there is no filing fee or abutter notification required for an RDA under the Act. One copy of this submittal will be sent to the applicant/owner by Email and by certified mail, return receipt requested. Proof of timely mailing will be provided via NEWGOV.

We look forward to meeting remotely with the Conservation Commission on this matter on **December 1, 2022**. If you have any questions, please feel free to contact me at any time.

Cordially,
ECOTEC, INC.



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

Attachments

Cc: Department of Environmental Protection, Northeast Regional Office (by Certified Mail, Return Receipt Requested)
Joseph Porter PLS, VTP Associates, Inc. (via Email)
264-266 Lagrange Street LLC (via Email and Certified Mail, Return Receipt Requested)

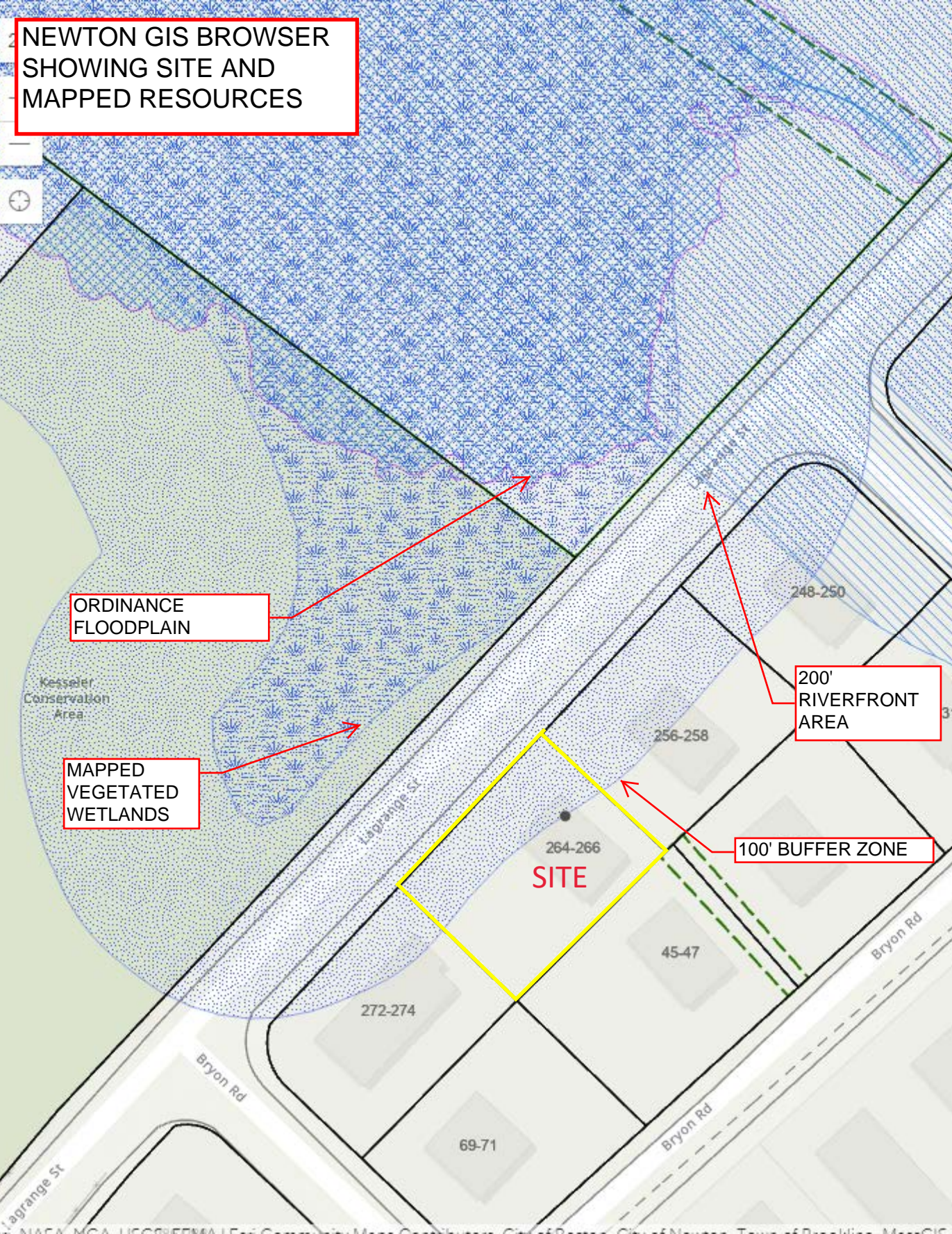
18/w/NEWTON264LAGRANGE RDA CL

NEWTON LOCUS MAP

264-266 LAGRANGE STREET



**NEWTON GIS BROWSER
SHOWING SITE AND
MAPPED RESOURCES**



**ORDINANCE
FLOODPLAIN**

**MAPPED
VEGETATED
WETLANDS**

**200'
RIVERFRONT
AREA**

100' BUFFER ZONE

SITE

DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant:

Prepared by: EcoTec, Inc.

Project location: 264 Lagrange Street, Newton

DEP File # :

Check all that apply:

- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- Vegetation and other indications of hydrology used to delineate BVW boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

Section I. Vegetation		Observation Plot Number: A2	Transect Number: Up	Date of Delineation: 10/19/2022		
A. Sample Layer and Plant Species # (by common/scientific name)			B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category * #
Tree	Red Maple	<i>Acer rubrum</i>	20	33	Yes	FAC*
	Black Cherry	<i>Prunus serotina</i>	20	33	Yes	FACU
	Norway Maple	<i>Acer platanoides</i>	20	33	Yes	NL
Climbing Woody Vine	Oriental Bitter-sweet	<i>Celastrus orbiculata</i>	40	100	Yes	NL
Sapling	Black Cherry	<i>Prunus serotina</i>	10	100	Yes	FACU
Shrub	Black Cherry	<i>Prunus serotina</i>	10	50	Yes	FACU
	Glossy Buckthorn	<i>Rhamnus frangula</i>	10	50	Yes	FAC*
Ground Cover	Oriental Bitter-sweet	<i>Celastrus orbiculata</i>	60	100	Yes	NF

Plant Taxonomy and Wetland Indicator Category from "National List of Plant Species that Occur in Wetlands: Massachusetts" (Fish & Wildlife Service, U.S. Department of the Interior, 1988) as required by 310 CMR 10.55(2)(c).

*Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c. 131, s. 40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

Vegetation conclusions:
 Number of dominant wetland indicator plants: 2 Number of dominant non-wetland indicator plants: 6
 Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? No

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

MA DEP; 3/95

TRANSECT A2 UP (CONT.)

Section II. Indicators of Hydrology

1. Soil Survey

Is there a published soil survey for this site? -

title/date: -
 map number: -
 soil type mapped: -
 hydric soil inclusions: -

Are field observations consistent with soil survey? -

Remarks: -

2. Soil Description

Horizon	Depth (inches)	Matrix Color	Mottle Color
A	0-8	10 YR 3/1 Loam	-
B	8-16	10 YR 5/4 Sandy Loam	-

Remarks: Terminated at 16 inches; groundwater not encountered.

3. Other: -

Conclusion: Is soil Hydric? No

Other Indications of Hydrology: (check all that apply and describe)

- Site inundated: _____
- Depth to free water in observation hole: _____
- Depth to soil saturation in observation hole: _____
- Water marks: _____
- Drift lines: _____
- Sediment deposits: _____
- Drainage patterns in BVW: _____
- Oxidized rhizospheres: _____
- Water-stained leaves: _____
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): _____

- Other: _____

Vegetation and Hydrology Conclusion		
	yes	no
Number of wetland indicator plants ≥ number of non-wetland indicator plants	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wetland hydrology present:		
hydric soil present	<input type="checkbox"/>	<input checked="" type="checkbox"/>
other indicators of hydrology present	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sample location is in a BVW	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Submit this form with the Request for Determination of Applicability or Notice of Intent.

DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant:

Prepared by: EcoTec, Inc.

Project location: 264 Lagrange Street, Newton

DEP File # :

Check all that apply:

- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- Vegetation and other indications of hydrology used to delineate BVW boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

Section I. Vegetation		Observation Plot Number: A2	Transect Number: Wet	Date of Delineation: 10/19/2022		
A. Sample Layer and Plant Species # (by common/scientific name)			B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category * #
Tree	Red Maple	<i>Acer rubrum</i>	50	100	Yes	FAC*
Climbing Woody Vine	Poison Ivy	<i>Toxicodendron radicans</i>	10	25	Yes	FAC*
	Fox Grape	<i>Vitis labrusca</i>	10	25	Yes	FACU
	Oriental Bitter-sweet	<i>Celastrus orbiculata</i>	20	50	Yes	NL
Shrub	Glossy Buckthorn	<i>Rhamnus frangula</i>	20	100	Yes	FAC*
Ground Cover	Poison Ivy	<i>Toxicodendron radicans</i>	10	33	Yes	FAC*
	Glossy Buckthorn	<i>Rhamnus frangula</i>	10	33	Yes	FAC*
	Wrinkled Golden-rod	<i>Solidago rugosa</i>	10	33	Yes	FAC*

Plant Taxonomy and Wetland Indicator Category from "National List of Plant Species that Occur in Wetlands: Massachusetts" (Fish & Wildlife Service, U.S. Department of the Interior, 1988) as required by 310 CMR 10.55(2)(c).

*Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c. 131, s. 40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

Vegetation conclusions:
 Number of dominant wetland indicator plants: 6 Number of dominant non-wetland indicator plants: 2
 Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? Yes

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

MA DEP; 3/95

TRANSECT A2 WET (CONT.)

Section II. Indicators of Hydrology

1. Soil Survey

Is there a published soil survey for this site? -

title/date: -
 map number: -
 soil type mapped: -
 hydric soil inclusions: -

Are field observations consistent with soil survey? -

Remarks: -

2. Soil Description

Horizon	Depth (inches)	Matrix Color	Mottle Color
A	0-12	10 YR 2/1 Mucky Loam	Pore Linings
B	12-16	10 YR 5/2 Sandy Loam	7.5 YR 5/6, 10 YR 6/1

Remarks: Terminated at 16 inches.

3. Other: -

Conclusion: Is soil Hydric? Yes

Other Indications of Hydrology: (check all that apply and describe)

- Site inundated: _____
- Depth to free water in observation hole: _____
- Depth to soil saturation in observation hole: _____
- Water marks: _____
- Drift lines: _____
- Sediment deposits: _____
- Drainage patterns in BVW: _____
- Oxidized rhizospheres: _____
- Water-stained leaves: _____
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): _____

- Other: _____

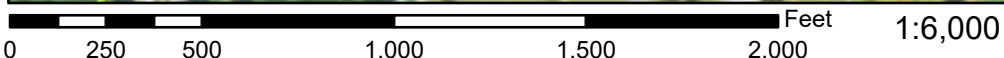
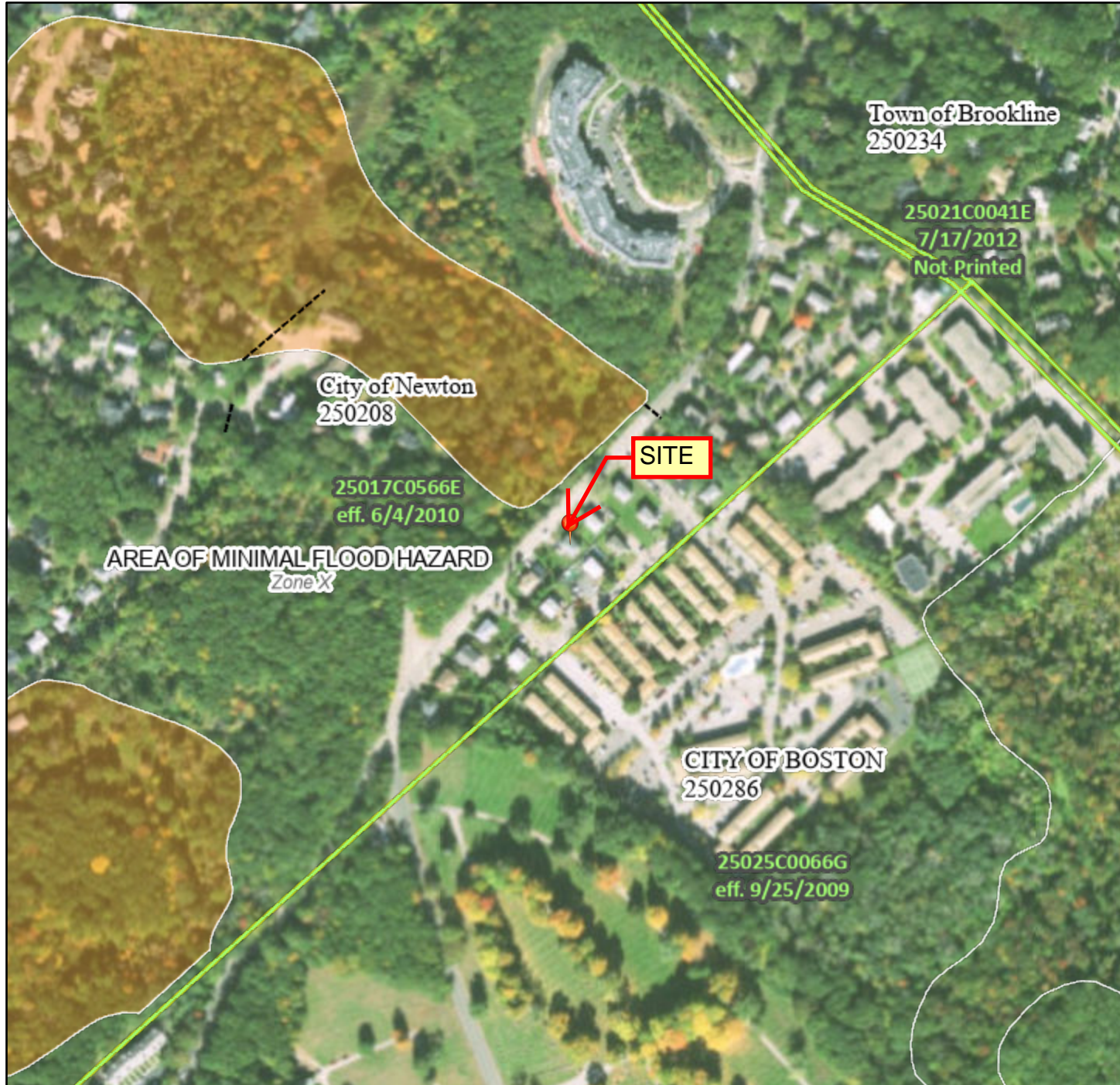
Vegetation and Hydrology Conclusion		
	yes	no
Number of wetland indicator plants ≥ number of non-wetland indicator plants	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wetland hydrology present:		
hydric soil present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
other indicators of hydrology present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sample location is in a BVW	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Submit this form with the Request for Determination of Applicability or Notice of Intent.

National Flood Hazard Layer FIRMMette



71°10'24"W 42°18'21"N



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

Legend

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

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i>
		With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
		Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
		Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
		Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
		Area with Flood Risk due to Levee <i>Zone D</i>

OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
		Effective LOMRs
		Area of Undetermined Flood Hazard <i>Zone D</i>

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

OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature

MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

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

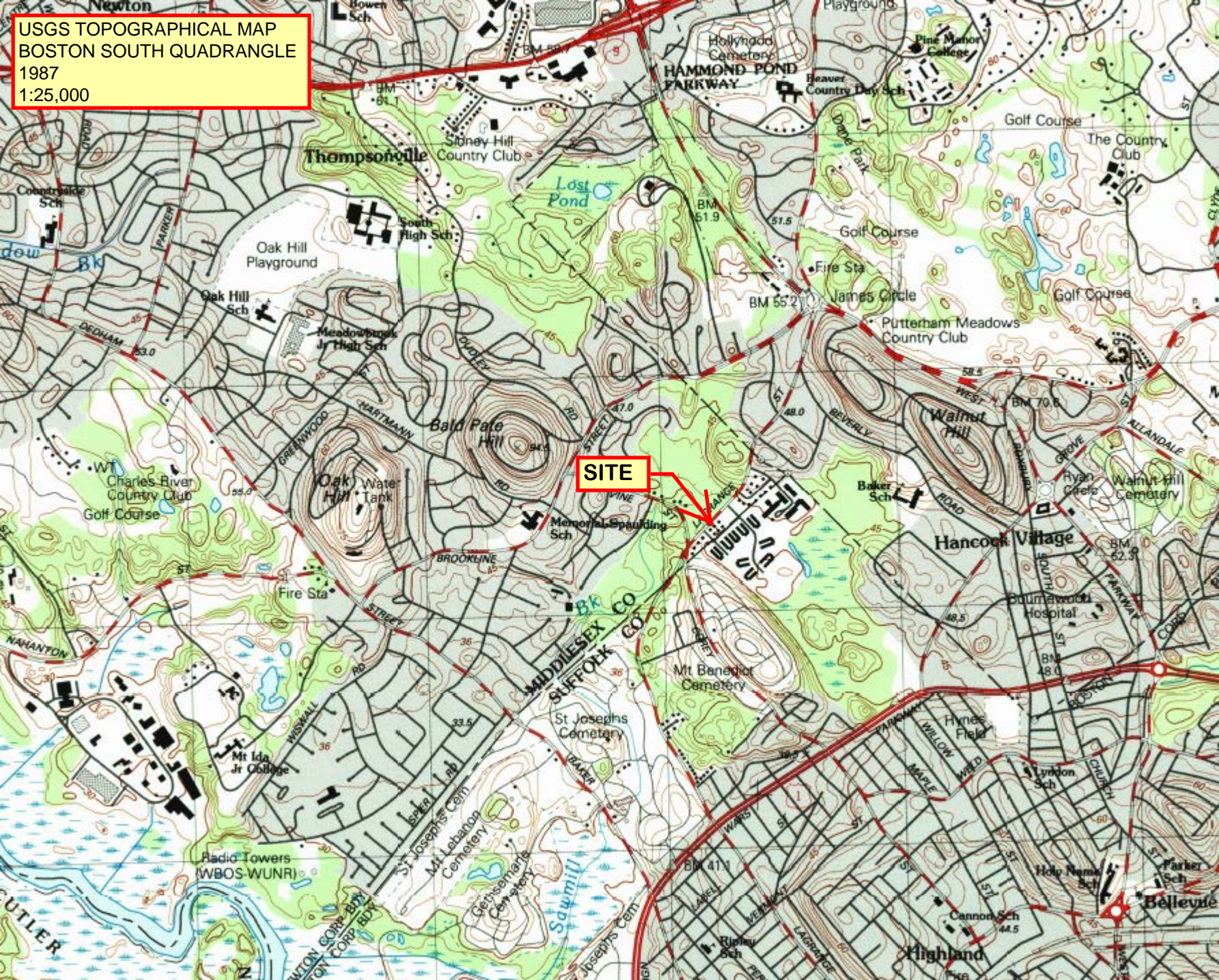
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **11/8/2022 at 4:53 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

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



USGS TOPOGRAPHICAL MAP
BOSTON SOUTH QUADRANGLE
1987
1:25,000



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



SITE

PH 1188

500 m
1000 ft

BELGRADE AV Scale = 1:36,112

221,734.96m 898,104.54m

2019 Color Orthos (USGS)

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

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

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

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

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

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

**Site Photographs, 264-266 Lagrange Street, Newton (CH), Massachusetts
EcoTec, Inc., October 19, 2022**



View to Northeast along Site Frontage showing Concrete Sidewalk and Construction Fence
Wetland is Located across Paved, Curbed Street from the Site



View to Northeast of Outer Buffer Zone on the Site showing Level Yard, Understory Tree,
Paved Driveway, and Existing House and Construction Fence and Entrenched Silt Fence



Ruthanne Fuller
Mayor

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

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

Barney S. Heath
Director

Cons. Com. Wetland Application Coversheet/Checklist

RDA ONLY

Date	For 11/15/2022 Deadline
-------------	-------------------------

Fill in all white cells completely

Parcel		Applicant name	Luis Diazgranados 264-266 Lagrange Street LLC
address	264-266 Lagrange Street, Newton	Address	15 Cypress Street, Unit 301, Newton, MA 02459
Sec/Block/Lot	82 043 0002	Email	ldiazgranados@arcolc.com
Book & Page	80301 & 171	Phone	617-304-6567
Owner name	264-266 Lagrange Street LLC	Representative	John P. Rockwood, Ph.D., SPWS EcoTec, Inc.
Address	15 Cypress Street, Unit 301, Newton, MA 02459	Address	102 Grove Street Worcester, MA 01605
Email	ldiazgranados@arcolc.com	Email	jrockwood@ecotecinc.com
Phone	617-304-6567	Phone	508-752-9666 x 3

Wetland type	Buffer Zone	sf/cf affected	--	Relevant Perf. Standards	10.53(1)
Wetland type	--	sf/cf affected	--	Relevant Perf. Standards	10.--
Wetland type	--	sf/cf affected	--	Relevant Perf. Standards	10.--

State Form:	WPA FORM 1 - RDA	Included?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Plan* title(s)		See RDA Cover Letter for a complete listing of materials included as part of this submittal.	
Plan date			
Plan stamped by			
*if legible, plans should be 11"x17"			
Narrative		Included?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter
Proof that all relevant perf. standards are met		Included?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter
Locus map		Included?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Delineation lines (backup material)		Included?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter
Fees		Included?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No No fee under Act for an RDA
● Fee Transmittal form		Included?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
● City portion of state fee \$ ---		Included?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
● City fee \$50			
Abutter Information		Included?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Abutter Notification not required for RDA under the Act
● List (within 100')		Included?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
● Abutter letter			
● Affidavit & proof -- bring to hearing			<i>Present them at the hearing</i>
Other Attachments, e.g.			
Planting Plan		Included?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
Floodplain analysis		Included?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable See Drainage Report
Stormwater analysis		Included?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
Riverfront Area Alternatives Analysis		Included?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
Restoration or mitigation summary		Included?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
Phasing/Sequencing plan, O&M plan, etc.		Included?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable

Components of a Complete NOI Application

Components of a Complete NOI Application

Conservation Commission Wetland Permit Process

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

HOLD TO LIGHT TO VIEW TRUE WATERMARK IN PAPER HEAT SENSITIVE RED LOCK DISAPPEARS WHEN HEATED

21607

ECOTEC, INC.
102 GROVE STREET
WORCESTER, MA 01605
(508) 752-9666



53-7102/2113



10/26/2022

PAY TO THE
ORDER OF City of Newton

\$ **50.00

Fifty and 00/100*****

DOLLARS

City of Newton



[Handwritten Signature]
AUTHORIZED SIGNATURE

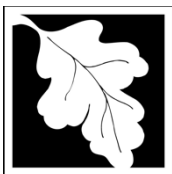


MEMO

Ordinance Fee for 264-266 Lagrange Street

Security features. Details on back.





WPA Form 1- Request for Determination of Applicability

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

A. General Information

Important:

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



1. Applicant:

<u>Luis Diazgranados 264-266 Lagrange Street LLC</u> Name	<u>ldiazgranados@arcolc.com</u> E-Mail Address	
<u>15 Cypress Street, Unit 301</u> Mailing Address		
<u>Newton</u> City/Town	<u>MA</u> State	<u>02459</u> Zip Code
<u>617-304-6567</u> Phone Number	<u>--</u> Fax Number (if applicable)	

2. Representative (if any):

<u>EcoTec Inc.</u> Firm		
<u>John P. Rockwood, Ph.D, SPWS</u> Contact Name	<u>jrockwood@ecotecinc.com</u> E-Mail Address	
<u>102 Grove Street</u> Mailing Address		
<u>Worcester</u> City/Town	<u>MA</u> State	<u>01605</u> Zip Code
<u>508-752-9666 x3</u> Phone Number	<u>--</u> Fax Number (if applicable)	

B. Determinations

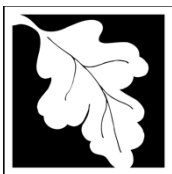
1. I request the Newton Conservation Commission make the following determination(s). Check any that apply:

- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Newton Floodplain Ordinance Section 22-22
Name of Municipality

- e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).

--



WPA Form 1- Request for Determination of Applicability

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

C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

264-266 Lagrange Street

Street Address

Newton

City/Town

82 043

Assessors Map/Plat Number

0002

Parcel/Lot Number

- b. Area Description (use additional paper, if necessary):

The subject site, 264-266 Lagrange Street, Newton, is a 10,096+/- square foot parcel located to the southwest of Lagrange Street (see Site Plan, Locus Map, Newton GIS Browser Map, USGS Map, FEMA Map, and NHESP Atlas Map included with submittal). No wetland resource areas, including Ordinance Floodplain, occur on the site; Bordering Vegetated Wetlands occur off-site across Lagrange Street to the northwest of the site. The 100' Buffer Zone associated with the off-site wetland projects across Lagrange Street into the northwestern portion of the site. See Cover Letter for the Wetland Resource Evaluation and existing conditions description.

- c. Plan and/or Map Reference(s):

A complete listing of materials included as part of this Request is provided in the Cover Letter.

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

The proposed work consists of the demolition of the existing residential structure and associated site features and the construction of a new two-family house, paved driveways, front walks, rear patios, stormwater infiltration system, utilities, and associated grading, lawn, and landscaping (see Proposed Conditions Plan). The work proposed in the outer portion of the 100' Buffer Zone consists of the removal of a small portion of the existing structure, driveway, and front walk; and the installation of two new paved driveways with trench drains, two front walks, stormwater management system, utilities, and associated grading, lawn, and landscaping. Two understory trees will be removed from the 100' Buffer Zone; four 1.5" caliper understory trees are proposed to be established in the 100' Buffer Zone. As required by the City, the existing concrete sidewalk will be replaced as part of this project. As required by the Stormwater Ordinance, driveway and roof runoff will be collected, pretreated as necessary, and discharged to the ground via an infiltration system located in the outer Buffer Zone. See Cover Letter for a description of the proposed work and measures to protect the adjacent resource area under this submittal.



WPA Form 1- Request for Determination of Applicability

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

C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

The proposed two-family house has been located outside of the 100' Buffer Zone. The proposed work in the 100' Buffer Zone is in the outer Buffer Zone and is located across a substantial paved and curbed road from the adjacent wetland resource area. The work area within the 100' Buffer Zone is relatively level and is limited to approximately 3,200+/- square feet; the site is not located in or near a critical area and is not located in or near mapped rare species habitat. The collection and treatment of stormwater will be conducted in accordance with the Stormwater Ordinance. Erosion controls are proposed; site access during construction will be via a temporary construction entrance. See Cover Letter for a description of the proposed work and measures to protect the adjacent resource area.

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)

--



WPA Form 1- Request for Determination of Applicability

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

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

264-266 Lagrange Street LLC

Name

15 Cypress Street, Unit 301

Mailing Address

Newton

City/Town

MA

State

02459

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

See Next Sheet

Signature of Applicant

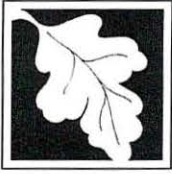
Date

John Rodman

Signature of Representative (if any)

11/10/2022

Date



WPA Form 1- Request for Determination of Applicability

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

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

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Name and address of the property owner:

264-266 Lagrange Street LLC

Name

15 Cypress Street, Unit 301

Mailing Address

Newton

City/Town

MA

State

02459

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Carolee J. Pruden

Signature of Applicant

10.25.22

Date

Signature of Representative (if any)

Date