

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

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

December 2, 2022

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

RE: -Notice of Intent under the Massachusetts Wetlands Protection Act and Newton Floodplain Ordinance  
-Proposed Single-family House and Site Feature Demolition and Construction of New Single-family House with Site Features in Riverfront Area, Bordering Land Subject to Flooding, and Buffer Zone; 37 Truman Road, Newton, Massachusetts  
-Applicant: David Koren and Refael Baranets

To the Commission:

This Notice of Intent (NOI) has been filed with the Newton Conservation Commission electronically under the Massachusetts Wetlands Protection Act and the Newton Floodplain Ordinance. Two checks made payable to the City of Newton: (1) \$387.50 for the City Share of the Act Fee and (2) \$50.00 for the filing fee under the Ordinance have been provided to Conservation Commission Staff by hand on November 28, 2022.

**Please have the legal notice billed to EcoTec, Inc. (John Rockwood, 508-752-9666 ext. 3, [jrockwood@ecotecinc.com](mailto:jrockwood@ecotecinc.com)).**

**Submitted Materials:**

This submittal consists of the following:

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

- 2) Flood Insurance Rate Map, Map No. 25017C0554E, dated June 4, 2010 with site indicated;
  - 3) Newton GIS Browser with site and mapped resources indicated;
  - 4) USGS Map, Boston South Quadrangle, 1987 with site indicated;
  - 5) Massachusetts NHESP Atlas (15<sup>th</sup> Edition), August 1, 2021 with site indicated; and
  - 6) Resume; and
- b. Project Description and Analysis;
- 1) Tree Assessment, prepared by Arborway Tree Care, dated November 11, 2022, signed by Patrick J. Boyle, MCA;
  - 2) Planting Schematic for Enhancement Planting Area, 37 Truman Road, Newton, prepared by EcoTec, Inc., dated December 1, 2022; and
  - 3) Floodplain Displacement Memorandum and Calculations, prepared by Verne T. Porter Jr PLS, dated November 29, 2022, signed and stamped by Verne T. Porter Jr PLS;
2. Conservation Commission Wetland Application Coversheet/Checklist and Copy of Ordinance Filing Fee Check;
3. The Notice of Intent Form, Fee Transmittal Form, and Copy of Act Filing Fee Checks;
4. Abutter Request, Abutters List, and Abutters Maps; and
5. Stormwater Materials:
- a. Drainage Summary, Proposed Single Family Dwelling, 37 Truman Road, Newton, Massachusetts (including unstamped O&M Plan), prepared by Verne T. Porter Jr PLS, dated November 9, 2022, signed and stamped by Paul J. Tyrell, P.E.; and
  - b. (Stand Alone Version) Operations & Maintenance Plan, Stormwater Management Facilities, Proposed Single Family Dwelling, 37 Truman Road, Newton, Massachusetts, prepared by Verne T. Porter Jr PLS, dated November 9, 2022, signed and stamped by Paul J. Tyrell, P.E.; and
6. Conservation Plan Set:
- a. Existing Conditions Site Plan, 37 Truman Road, Newton, Massachusetts, Sheet 1 of 3, Scale 1" = 10', prepared by Verne T. Porter Jr PLS, dated November 29, 2022, signed and stamped by Verne T. Porter Jr PLS;
  - b. Proposed Conditions Site Plan, 37 Truman Road, Newton, Massachusetts, Sheet 2 of 3, Scale 1" = 10', prepared by Verne T. Porter Jr PLS, dated November 29, 2022, signed and stamped by Verne T. Porter Jr PLS and Paul J. Tyrell, P.E.; and
  - c. Detail Sheet, 37 Truman Road, Newton, Massachusetts, Sheet 3 of 3, Scale NTS, prepared by Verne T. Porter Jr PLS, dated November 29, 2022, signed and stamped by Verne T. Porter Jr PLS and Paul J. Tyrell, P.E.

One copy of this filing and payment of \$362.50 have been sent by certified mail, return receipt requested and regular mail, respectively, to the Northeast Regional Office of the Department of Environmental Protection and to the DEP Lockbox. Documentation of all payments is included in the filing.

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

We look forward to meeting remotely with the Conservation Commission on this matter on Tuesday, December 20, 2022. If you have any questions, please feel free to contact me at any time.

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

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

The subject site consists of 0.270± acres (11,757± square feet) of land located to the northwest of Truman Road and southwest of Mildred Road in the Newton Centre section of Newton, Massachusetts. The subject site is previously developed and partially degraded with a single-family house with attached one-car garage and bulkhead with rear room on posts and various access stairs and landings; paver front walk; paved driveway; rear paved walkway and patio; rear paver patio; chain-link fence along Paul Brook; vinyl privacy fencing; swing set; and associated lawn and landscaping including a total of six trees and a landscaped hemlock sapling hedge as shown on the Site Plan. As detailed in the attached Tree Assessment, three of the six trees and the eight live hemlocks have a high risk of failure or are infested. A drainage easement occurs in the northwestern portion of the subject site along Paul Brook. Roof runoff from house is discharged to the ground surface via downspouts; driveway runoff is not controlled or treated. A concrete curb, grass strips, concrete sidewalk, various signs, a fire hydrant, and two utility poles occur between the subject site and Truman Road/Mildred Road. Three Norway maple street trees occur between the subject site and Truman Road/Mildred

Road; the street tree located near Truman Road has been significantly maintained/pruned by the City of Newton. Two catch basins occur within Truman Road/Mildred Road along the site frontage. The wetland resources observed on or near the subject site are described below.

### Wetland Resource Evaluation – Methodology

The subject site was inspected, and areas suspected to qualify as wetland resources were identified. Bordering Vegetated Wetlands were not observed on or within 100 feet of the subject site or along the subject reach of Paul Brook in the northwestern portion of the subject site. The upper boundary of Bank and the Mean Annual High-water Line of Paul Brook were delineated in the field with orange pin flags. The Regulations at 310 CMR 10.54(2)(c) state: “The upper boundary of Bank is the first observable break in the slope or the mean annual flood level, whichever is lower.” The plant taxonomy used in this report is based on the *National List of Plant Species that Occur in Wetlands: Massachusetts* (Fish and Wildlife Service, U.S. Department of the Interior, 1988). As Bordering Vegetated Wetlands were not observed on or near the subject site or observed or delineated along the subject reach of Paul Brook, DEP Bordering Vegetated Wetland Delineation Field Data Forms were not completed and are not attached to this letter. The table below lists the flag numbers and type and the resource area type and location for flags placed in the field.

Flag Numbers	Flag Type	Wetland Types and Locations
Start Headwall R1 to R7 Stop	Orange Pin Flags	Mean Annual High-water Line (MAHWL) and upper boundary of Bank of Paul Brook located near the northwestern site boundary.

### Wetland Resource Evaluation – Findings

Land Under Water Bodies and Waterways, Bank, and Bordering Vegetated Wetlands: Paul Brook is a perennially mapped stream that flows to the southwest near the northwestern site boundary. Bordering Vegetated Wetlands were not observed or delineated along the subject reach of Paul Brook or within 100 feet of the subject site. Paul Brook would be regulated as Bank and Land Under Water Bodies and Waterways under the Regulations. A 100’ Buffer Zone would extend horizontally outward from the edge of Bank under the Regulations.

Bordering Land Subject to Flooding and Section 22-22 Floodplain: Bordering Land Subject to Flooding is an area that floods due to a rise in floodwaters from a bordering waterway or water body. Where flood studies have been completed, the boundary of Bordering Land Subject to Flooding is based upon flood profile data prepared by the National Flood Insurance Program. Section 10.57(2)(a)3. states that “The boundary of Bordering Land Subject to Flooding is the estimated maximum lateral extent of flood water which will theoretically result from the statistical 100-year frequency storm.” Based upon a review of the Flood Insurance

Rate Map, Map Number 25017C0554E, Effective Date June 4, 2010, the entire site and surrounding area is mapped as 100-year floodplain associated with Paul Brook. This area is labeled as Zone AE (i.e., 100-year floodplain) with a 100-year flood elevation of 114 feet (NAVD 1988). There is also a designated Floodway associated with Paul Brook in this area. Bordering Land Subject to Flooding does not have a 100' Buffer Zone under the Regulations.

Section 22-22 of the Ordinance identifies the Floodplain/Watershed Protection District. Under Section (g)1. Floodplain/ Watershed Areas, the subject reach of Paul Brook [i.e., (23) Mildred Road to the confluence of South Meadow Brook] has a 100-year floodplain of elevation ranging from 120.5 to 120.3 feet City of Newton Datum. The elevation at the subject site is 120.5 feet. Under Section (g)2. Floodways, the subject reach of Paul Brook, has a Floodway with a total width of 40 feet centered on the stream channel. 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), Paul Brook flows to the southwest near the northwestern site boundary. Riverfront Area under the Act/Regulations would extend 200 feet horizontally outward from the Mean Annual High-water Line, which is represented by the R-series flags. Riverfront Area does not have a 100' Buffer Zone under the Act and Regulations but may overlap other wetland resources and their Buffer Zones.

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

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

#### **Project Description and Analysis:**

The subject site is 11,757± square feet in size and 11,129± square feet or 94.7% of the subject site occur within the 200' Riverfront Area to Paul Brook: 1,241± square feet between 100 and

200 feet and 9,888± square feet within 100 feet. The Land Under Water and Bank of Paul Brook comprises 628± square feet of the subject site; the remaining 11,129± square feet, excluding the existing house foundation, is Bordering Land Subject to Flooding. Except as noted above, no additional wetland resource areas occur on the subject site. The 100' Buffer Zone to the Paul Brook covers 9,888± square feet of the subject site.

The proposed project consists of the complete demolition of the existing single-family house and associated site features including the paver front walk; paved driveway, walk, and patio; rear paver patio; and vinyl fences located on the subject site and the construction of a new single-family house with two-car garage, front porch with landing and stairs, two front planters, rear porch with stairs, and rear deck with stairs; front paver walk; paved driveway; rear paver patio with step stone walk; wooden privacy fence installed so that bottom of fence is 6 inches above the ground surface and the fence has greater than 50% voids below the floodplain elevation; and associated grading, lawn, and landscaping. The larger proposed house has a smaller foundation than the existing house with the balance of the house supported on piers above the floodplain; the area beneath the pier-supported portion of the house will be covered with crushed stone and the perimeter of the pier-supported portion of the house will be concealed with lattice comprising greater than 50% voids. The proposed project includes the removal of four trees, three unhealthy hazard trees and one invasive tree, and an infested hemlock sapling hedge (see attached Tree Assessment). The applicant is aware that compliance with the Tree Ordinance will be required. The proposed project includes the capping of existing utilities at the mains and the installation of new utilities to mains within Truman Road. The proposed utility disconnections and connections and pavement repairs within a roadway are exempt activities under 310 CMR 10.02(2)(b)2.i., j., and n., respectively; the utility work and pavement repair proposed within Truman Road has been shown on the Site Plan for sake of completeness.

The degraded area in the Riverfront Area on the subject site is proposed to be increased by 482± square feet from 2,828± square feet under existing conditions to 3,310± square feet under proposed conditions. The intent of the project design is to locate proposed degraded areas further from Paul Brook than existing degraded areas and to provide required stormwater improvements and adequate mitigation to address project related impacts. The configuration of the lot is challenging as it fronts on two roadways resulting in a more limited building envelope than a typical house lot; also, with the exception of Paul Brook, the entire site is located within Riverfront Area and, with the exceptions of Paul Brook and the existing house foundation, within Bordering Land Subject to Flooding. The existing house, paved driveway, and paved patio (i.e., the closest existing degraded surface to the river) are 49 feet, 65 feet, and 43 feet from the river, respectively; the proposed house, paved driveway, and proposed paver patio (i.e., the closest proposed degraded surface to the river) are 50 feet, 79

feet, and 38 feet from the river, respectively. The proposed paver patio extends five feet closer to the river than the existing paved patio.

Six trees occur on the subject site, all within the Riverfront Area, Bordering Land Subject to Flooding, and the 100' Buffer Zone. Due to health and/or safety concerns, three of these trees are proposed to be removed; a fourth tree, a Norway maple, is also proposed to be removed (see attached Tree Assessment). The remaining on-site and off-site trees are proposed to be protected during construction. As noted below, a total of twenty-seven (27) native saplings will be planted on the subject site in the Riverfront Area as part of the proposed enhancement planting area. The project includes a proposed trench drain, a deep sump manhole, and two infiltration systems to address driveway and roof runoff in accordance with the Stormwater Ordinance. Roof and driveway runoff are not treated or controlled under existing conditions. Details are provided in the Drainage Summary, Proposed Single Family Dwelling, 37 Truman Road, Newton, Massachusetts, prepared by Verne T. Porter Jr PLS, dated November 9, 2022, stamped by Paul J. Tyrell, P.E. The Drainage Summary includes the Operations and Maintenance Plan for the drainage system. A stand-alone pdf of that latter document has also been provided for use of the Commission Staff. Lastly, a substantive 1,600± square foot enhancement planting area in the Riverfront Area, Bordering Land Subject to Flooding, and Buffer Zone is proposed in the northwestern part of the subject site near Paul Brook. Sizing of the mitigation area considered the 482± square foot increase in impervious/ degraded surfaces on the subject site, the slight intrusion of the proposed patio closer to the river than existing degraded surfaces, the existing tree and sapling to remain near the area, and for the removal of the infested hemlock sapling hedge.

Any disturbed lawn and landscaped areas associated with the house will be brought to proposed grade with adequate loamy topsoil and seeded, hydroseeded, or sodded as lawn or will be landscaped. Work within the proposed enhancement planting area is detailed in the following section of this letter. The areas under the pier-supported portions of the house will be covered with crushed stone to provide for soil stabilization. The proposed limit of work will be demarcated in the field by the erosion control barriers as shown on the Site Plan. Soil will be temporarily stored in a covered stockpile within the limit of work on the subject site as shown on the Site Plan with excess soil trucked from the subject site. The Site Plan also shows a proposed construction entrance, a concrete washout area, and inlet protection for the catch basins within Truman Road and Mildred Road near the subject site.

**Enhancement Planting Area Plan:**

A 1,600± square foot enhancement planting area is proposed in the northwestern portion of the subject site within the inner Riverfront Area, Bordering Land Subject to Flooding, and the Buffer Zone. This planting area comprises almost 14 percent of the subject site and renaturalizes the majority of the 25' Buffer Zone on the subject site. Under existing conditions,



this area is poorly maintained lawn and landscaping with a landscaped eastern hemlock sapling hedge; two of the ten hemlocks are dead and the balance are affected by elongate hemlock scale and hemlock woolly adelgid (see attached Tree Assessment) and are proposed to be removed as part of this project. The existing tree and saplings located to the northwest of the fence along Paul Brook are proposed to remain. The intent of this plan is to establish a highly diverse habitat along Paul Brook within includes a mixed evergreen hedge to replace and expand upon the existing hemlock hedge to be removed comprising sixteen (16) substantial evergreen shrubs of four species; seven (7) saplings of canopy trees of two species; four (4) understory saplings of two species; thirty-two (32) mixed evergreen and deciduous shrubs of five species; and twenty-four (24) smaller mixed evergreen and deciduous shrubs of three species. These plantings will serve to stabilize the area, reduce stormwater runoff, provide enhanced wildlife habitat, including cover, perching, and foraging habitat, and prevent incremental creep toward Paul Brook compared to the existing condition.

Following the installation of the erosion control barrier along the fence near Paul Brook, the eastern hemlocks and landscape plantings in the area will be removed and grubbed, the area will be brought to the proposed final grade as shown on the Site Plan confirming the presence of at least 6 inches of remaining or added loamy topsoil, and the proposed saplings and shrubs will be spaced in general conformance with the planting specification under the supervision of a qualified wetland scientist and planted in accordance with current landscaping practices (i.e., hole twice as wide and as deep as the root ball with the area around the root ball backfilled with high quality loamy top soil). The proposed plant species listing is provided on the Planting Schematic included with this letter; the listed species are native and have been selected based upon the conditions of the proposed planting area. If a species is not available, a substitution will be recommended by the wetland scientist and approved by Conservation Staff. The excess soil will be removed from the subject site. Following installation, the plants will be watered in well and the area will be immediately covered with a 3-inch-thick layer of partially decomposed leaf litter with natural bark mulch as specified in the Planting Schematic. This will aid in keeping the plantings moist and will provide temporary cover and habitat value until leaves begin to accumulate in this area. The woody materials will be watered regularly for a period of four weeks, and will be watered, as necessary, if evidence of stress is observed. The area may be included as part of the site irrigation system; however, piping and sprinkler heads must not be located within the bounded area. As shown on the Site Plan, the southeastern edge of the area will be demarcated with stone bounds with a medallion attached to each bound identifying the purpose for the area.

Enhancement Planting Area Monitoring:

The enhancement planting area will be monitored near the end of the growing season for two years after it is established. During each inspection, which will be conducted by a qualified wetland scientist, the condition of the area and the number of saplings and shrubs and their



condition will be documented. Photographs of the area shall be taken, and representative photographs shall be included in the report. To be considered a success, the sapling and shrub plantings shall have survival rates that meet or exceed those specified in the Order at the end of the second growing season after establishment. The findings of each inspection will be documented in a report that will be submitted in a timely manner to the Commission. Each report will include any necessary recommendations to bring the area into compliance with the Order and approved plan.

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

The proposed project is a mixture of new and redevelopment activities within the Riverfront Area, Bordering Land Subject to Flooding, and 100' Buffer Zone associated with Paul Brook. Under the current regulatory interpretation by MassDEP, proposed projects located in the Riverfront Area are to be treated either as new development under 310 CMR 10.58(4) or as redevelopment under 310 CMR 10.58(5). As significant degraded area occurs on the subject site within the Riverfront Area, this project has been evaluated herein as a redevelopment project pursuant to 310 CMR 10.58(5). Redevelopment projects are required to meet the two applicable standards at 310 CMR 10.58(4) [i.e., Section 10.58(4)(a) and (b)] and all the performance standards at 310 CMR 10.58(5). The proposed project has been designed as shown on the Site Plan and described within this letter to meet applicable general performance standards for Riverfront Area found at 310 CMR 10.58(4) and the performance standards for redevelopment of the Riverfront Area at 310 CMR 10.58(5) as well as the general performance standards for Bordering Land Subject to Flooding at 310 CMR 10.57(4)(a) and the narrative standard for the Buffer Zone at 310 CMR 10.53(1). A discussion of compliance with the above-referenced performance standards and narrative standard is as follows:

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

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

*issuing authority shall impose conditions in the Order that contribute to the protection of interests for which the riverfront area is significant.*

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

Work is proposed within the Riverfront Area to Paul Brook and Bordering land Subject to Flooding associated with Paul Brook. As is detailed below, the work proposed within Bordering Land Subject to Flooding has been designed to meet and exceed the general performance standards for this resource area at 310 CMR 10.57(4)(a). Work is not proposed within Bank and Land Under Water Bodies and Waterways. Bordering Vegetated Wetlands and Isolated Land Subject to Flooding do not occur on the subject site. Work is proposed within the 100' Buffer Zone; the 100' Buffer Zone is not a wetland resource area under the Regulations.

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

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

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

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

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

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

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

*Redevelopment Within Previously Developed Riverfront Areas; Restoration and Mitigation. Notwithstanding the provisions of 310 CMR 10.58(4)(c) and (d), the issuing authority may allow work to redevelop a previously developed riverfront area, provided the proposed work improves existing conditions. Redevelopment means replacement, rehabilitation or expansion of existing structures, improvement of existing roads, or reuse of degraded or previously developed areas. A previously developed riverfront area contains areas degraded prior to August 7, 1996 by impervious surfaces from existing structures or pavement, absence of topsoil, junkyards, or abandoned dumping grounds. Work to redevelop previously developed riverfront areas shall conform to the following criteria:*

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

The subject site is 11,757± square feet in size and 11,129± square feet or 94.7% of the subject site occur within the 200' Riverfront Area to Paul Brook: 1,241± square feet between 100 and 200 feet and 9,888± square feet within 100 feet. The Land Under Water and Bank of Paul Brook comprises 628± square feet of the subject site; the remaining 11,129± square feet, excluding the existing house foundation, is Bordering Land Subject to Flooding. Except as noted above, no additional wetland resource areas occur on the subject site. The 100' Buffer Zone to the Paul Brook covers 9,888± square feet of the subject site. The subject site is previously developed and significant degraded area consisting of the single-family house with attached one-car garage and bulkhead with rear room on posts and various access stairs and landings; paver front walk; paved driveway; rear paved walkway and patio; and rear paver

patio occurs within the Riverfront Area on the subject site. The proposed project has been designed to and will result in an improvement over the existing condition with regard to the protection of the interests under the Act.

The proposed project consists of the complete demolition of the existing single-family house and associated site features including the paver front walk; paved driveway, walk, and patio; rear paver patio; and vinyl fences located on the subject site and the construction of a new single-family house with two-car garage, front porch with landing and stairs, two front planters, rear porch with stairs, and rear deck with stairs; front paver walk; paved driveway; rear paver patio with step stone walk; a floodplain compliant wooden privacy fence; utilities; and associated grading, lawn, and landscaping. The larger proposed house has a smaller foundation than the existing house with the balance of the house supported on piers above the floodplain; the pier-supported portions of the house will be concealed with floodplain compliant lattice. The proposed project includes the removal of four trees, three hazard trees and one invasive tree, and an infested hemlock sapling hedge (see attached Tree Assessment). The degraded area in the Riverfront Area on the subject site is proposed to be increased by 482± square feet from 2,828± square feet under existing conditions to 3,310± square feet under proposed conditions. The proposed paver patio is slightly closer to the river than the existing paved patio. The project includes a proposed trench drain, a deep sump manhole, and two infiltration systems to address driveway and roof runoff in accordance with the Stormwater Ordinance. Roof and driveway runoff are not treated or controlled under existing conditions. Lastly, a substantive 1,600± square foot enhancement planting area with twenty-seven native saplings and fifty-six native shrubs is proposed in the Riverfront Area, Bordering Land Subject to Flooding, and Buffer Zone in the northwestern part of the subject site near Paul Brook. An erosion control barrier, construction entrance, and inlet protection for the catch basins in adjacent Truman Road and Mildred Road will be used to mitigate project impacts during construction. Accordingly, the proposed project will serve to improve the capacity of the Riverfront Area on the subject site to protect the statutory interests presumed to be significant within the Riverfront Area.

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

The proposed project is exempt from stormwater management standards under the Regulations. The project includes a proposed trench drain, a deep sump manhole, and two infiltration systems to address driveway and roof runoff in accordance with the Stormwater Ordinance. Details are provided in the Drainage Summary, Proposed Single Family Dwelling, 37 Truman Road, Newton, Massachusetts, prepared by Verne T. Porter Jr PLS, dated November 9, 2022, stamped by Paul J. Tyrell, P.E. The Drainage Summary includes the Operations and Maintenance Plan for the drainage system.

*(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).*

A significant portion of the subject site, including the entire development envelope, is located within 100 feet of Paul Brook. The degraded area in the Riverfront Area on the subject site is proposed to be increased by 482± square feet from 2,828± square feet under existing conditions to 3,310± square feet under proposed conditions. With the exception of a small portion of the proposed paver patio, the proposed project is located further from the river than the closest degraded surface under existing conditions. A 1,600± square foot enhancement planting area is proposed under Section 10.58(5)(g) to address the increase in degraded area as well as the slight intrusion of the proposed paver patio five feet closer to the river than the closest existing degraded area within the Riverfront Area.

*(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).*

The degraded area in the Riverfront Area on the subject site is proposed to be increased by 482± square feet from 2,828± square feet under existing conditions to 3,310± square feet under proposed conditions. With the exception of a small portion of the proposed paver patio, the proposed project is located further from the river than the closest degraded surface under existing conditions. The proposed house is located essentially the same distance from the river as the existing house; the proposed driveway is fourteen feet further from the river under proposed conditions. A 1,600± square foot enhancement planting area, which represents almost 14% of the subject site, is proposed under Section 10.58(5)(g) to address the increase in degraded area as well as the slight intrusion of the proposed paver patio five feet closer to the river than the closest existing degraded area within the Riverfront Area.

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

The degraded area in the Riverfront Area on the subject site is proposed to be increased by 482± square feet from 2,828± square feet under existing conditions to 3,310± square feet under proposed conditions. A 1,600± square foot enhancement planting area is proposed under Section 10.58(5)(g) to address this increase in degraded area as well as the slight

intrusion of the proposed paver patio five feet closer to the river than the closest existing degraded area within the Riverfront Area.

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

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

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

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

A 1,600± square foot enhancement planting area is proposed in the northwestern portion of the subject site within the inner Riverfront Area, Bordering Land Subject to Flooding, and the Buffer Zone. This planting area comprises almost 14 percent of the subject site. Proposed plantings are provided in the Planting Schematic. The intent of this plan is to establish a highly diverse habitat along Paul Brook within includes a mixed evergreen hedge to replace and expand upon the existing hemlock hedge to be removed comprising sixteen (16) substantial



evergreen shrubs of four species; seven (7) saplings of canopy trees of two species; four (4) understory saplings of two species; thirty-two (32) mixed evergreen and deciduous shrubs of five species; and twenty-four (24) smaller mixed evergreen and deciduous shrubs of three species. These plantings will serve to stabilize the area, reduce stormwater runoff, provide enhanced wildlife habitat, including cover, perching, and foraging habitat, and prevent incremental creep toward Paul Brook compared to the existing condition. The southeastern edge of the enhancement planting area will be demarcated with stone bounds with a medallion attached to each bound to identify the purpose of the area. To be considered a success, the sapling and shrub plantings shall have survival rates that meet or exceed those specified in the Order at the end of the second growing season after establishment.

*(h) The issuing authority shall include a continuing condition in the Certificate of Compliance for projects under 310 CMR 10.58(5)(f) or (g) prohibiting further alteration within the restoration or mitigation area, except as may be required to maintain the area in its restored or mitigated condition. Prior to requesting the issuance of the Certificate of Compliance, the applicant shall demonstrate the restoration or mitigation has been successfully completed for at least two growing seasons.*

Enhancement of Riverfront Area is proposed as part of this project in the form of a bounded 1,600± enhancement planting area as shown on the Site Plan. As such, the applicant is not averse to the above-referenced continuing condition on this bounded area.

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

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

The proposed project will temporarily or permanently alter 8,980± square feet of Bordering Land Subject to Flooding for the removal of the existing house and site features and for



construction of the proposed house, driveway, and other site features and proposed grading. The existing house has a substantial footprint with a full foundation; the proposed house has a smaller foundation with the balance of the proposed house supported on piers. The reduction in footprint of the proposed foundation in concert with proposed site grading provide the required incremental compensatory storage. Flood cuts and fills are shown on the Site Plan and details are provided in the Floodplain Displacement Memorandum and Calculations certified by a Professional Land Surveyor within five incremental ranges: 109 to 110, 110 to 111, 111 to 112, 112 to 113, and 113 to 114. The project proposes a total of 4,187± cubic feet of fill (i.e., proposed displacement) within the floodplain and proposes 6,203± cubic feet of cut or compensatory storage (i.e., existing displacement) within the floodplain for a net gain of 2,016± cubic feet of flood storage on the subject site under the proposed condition compared to the existing condition. Again, total compensatory storage in excess of the 10% surplus required by the Commission's Guidelines for Construction in the Flood Zone is provided with excess incremental storage provided at each of the five evaluated incremental ranges. The proposed compensatory storage is provided near the lost flood storage and is located within the same river reach and will have an unrestricted hydraulic connection to Paul Brook. As such, the proposed project complies with this standard and the Commission's Guidelines for Construction in the Flood Zone.

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

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

*3. Work in those portions of bordering land subject to flooding found to be significant to the protection of wildlife habitat shall not impair its capacity to provide important wildlife habitat functions. Except for work which would adversely affect vernal pool habitat, a project or projects on a single lot, for which Notice(s) of Intent is filed on or after November 1, 1987, that (cumulatively) alter(s) up to 10% or 5,000 square feet (whichever is less) of land in this resource area found to be significant to the protection of wildlife habitat, shall not be deemed to impair its capacity to provide important wildlife habitat functions. Additional alterations beyond the above threshold, or altering vernal pool habitat, may be permitted if they will have no adverse effects on wildlife habitat, as determined by procedures contained in 310 CMR 10.60.*

The existing Bordering Land Subject to Flooding on the subject site that is proposed to be altered consists of existing structure, site features, lawn, and landscaping, and are not important to the protection of wildlife habitat. As such, this standard is not applicable to the proposed project. In any event, a 1,600± enhancement planting area is proposed within the Bordering Land Subject to Flooding along Paul Brook which will serve to stabilize this area, minimize stormwater runoff toward Paul Brook, provide enhanced wildlife habitat, including cover, perching, and foraging habitat, and prevent incremental creep toward Paul Brook compared to the existing condition.

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

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

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

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

Prior to the start of earth moving activities, an erosion control barrier consisting of staked compost sock, which will also serve as the Limit of Work, will be located around the work area as shown on the Site Plan. As shown on the Site Plan, a second row of staked compost sock will be located around the enhancement planting area. These erosion control barriers will be maintained until the work area and enhancement planting area are stabilized. Approval of the issuing authority will be received prior to the removal of the erosion control barrier. Under existing and proposed conditions, the subject site slopes gradually to the northwest toward Paul Brook. A total of four trees, three hazard trees and one invasive tree, and eight infested hemlock saplings are proposed to be removed as part of the project. A 1,600± square foot enhancement planting area which will include twenty-seven saplings and fifty-six shrubs is proposed in the northwestern part of the subject site between the proposed redevelopment and Paul Brook. This planting area will greatly reduce active use and activities proximate to Paul Brook, including landscaping activities such as mowing and fertilizer and herbicide/pesticide applications. The proposed project results in a slight increase in impervious surfaces on the subject site; stormwater mitigation, which includes a trench drain, a deep sump manhole, and two infiltration systems, has been proposed to address driveway and roof runoff as required by the Stormwater Ordinance.

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. As a reminder, the adjacent resource to be protected is Paul Brook, which consists of a concrete block lined channel at the site. With the exception of the removal of two unhealthy hazard trees and an infested landscaped hemlock sapling hedge, grading required to meet compensatory flood storage requirement for Bordering Land Subject to Flooding, and the establishment a significant, diverse enhancement planting area, no work associated with the proposed project will occur within the 25' Buffer Zone. Under existing conditions, this area consists of a strip including a tree and various saplings along the river outside of the existing chain-link fence and lawn and landscaping including three trees and the eastern hemlock hedge inside the existing chain-link fence. Approximately 2,070± square feet, including 470± square feet located between the existing chain-link fence and the river and the 1,600± square foot enhancement planting area or 81% of the 2,550± square feet of 25' Buffer Zone on the subject site is naturally vegetated or included in the proposed enhancement planting area for this project. This enhancement planting area is detailed above in this letter and the Planting Schematic is included as part of this submittal. These plantings will serve to stabilize the area, reduce stormwater runoff, provide enhanced wildlife habitat, including cover, perching, and foraging habitat, and prevent incremental creep toward Paul Brook.

**Conclusion:**

In conclusion, it is EcoTec's opinion, based upon the information provided on the Site Plan and in this letter, that the proposed project meets the applicable general performance standards and redevelopment standards for work within the Riverfront Area, the general performance standards for Bordering Land Subject to Flooding, and the narrative standard for the Buffer Zone under the Regulations. The proposed project meets the intent of the Commission's 25-foot Naturally Vegetated Buffer Policy. The proposed project results in an increase in impervious area on the subject site and in the Riverfront Area; mitigation in the form stormwater improvements that address driveway and roof runoff in accordance with the Stormwater Ordinance and a significant 1,600± square foot enhancement planting area have been provided as part of the project. This plan as proposed meets the applicable performance standards and by regulation serves to protect the statutory interests.

Cordially,  
ECOTEC, INC.



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

Cc: Department of Environmental Protection, Northeast Regional Office (by Certified Mail/Return Receipt Requested)  
David Koren/Refael Baranets (Via Email)  
Verne T. Porter Jr. PLS (Via Email)  
David Boronkay/Jane Grover (Via Email)

18/w/NEWTON 37 TRUMAN NOI CL WRE PD COMP

# NEWTON LOCUS MAP

37 Truman Road





# National Flood Hazard Layer FIRMette

71°12'9"W 42°19'7"N



## Legend

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

**SPECIAL FLOOD HAZARD AREAS**

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

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

Future Conditions 1% Annual Chance Flood Hazard *Zone X*  
 Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*  
 Area with Flood Risk due to Levee *Zone D*

**OTHER AREAS OF FLOOD HAZARD**

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

**OTHER AREAS**

**GENERAL STRUCTURES**

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

Cross Sections with 1% Annual Chance Water Surface Elevation  
 Coastal Transect  
 Base Flood Elevation Line (BFE)  
 Limit of Study

**OTHER FEATURES**

- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

**MAP PANELS**

- Digital Data Available
- No Digital Data Available
- Unmapped

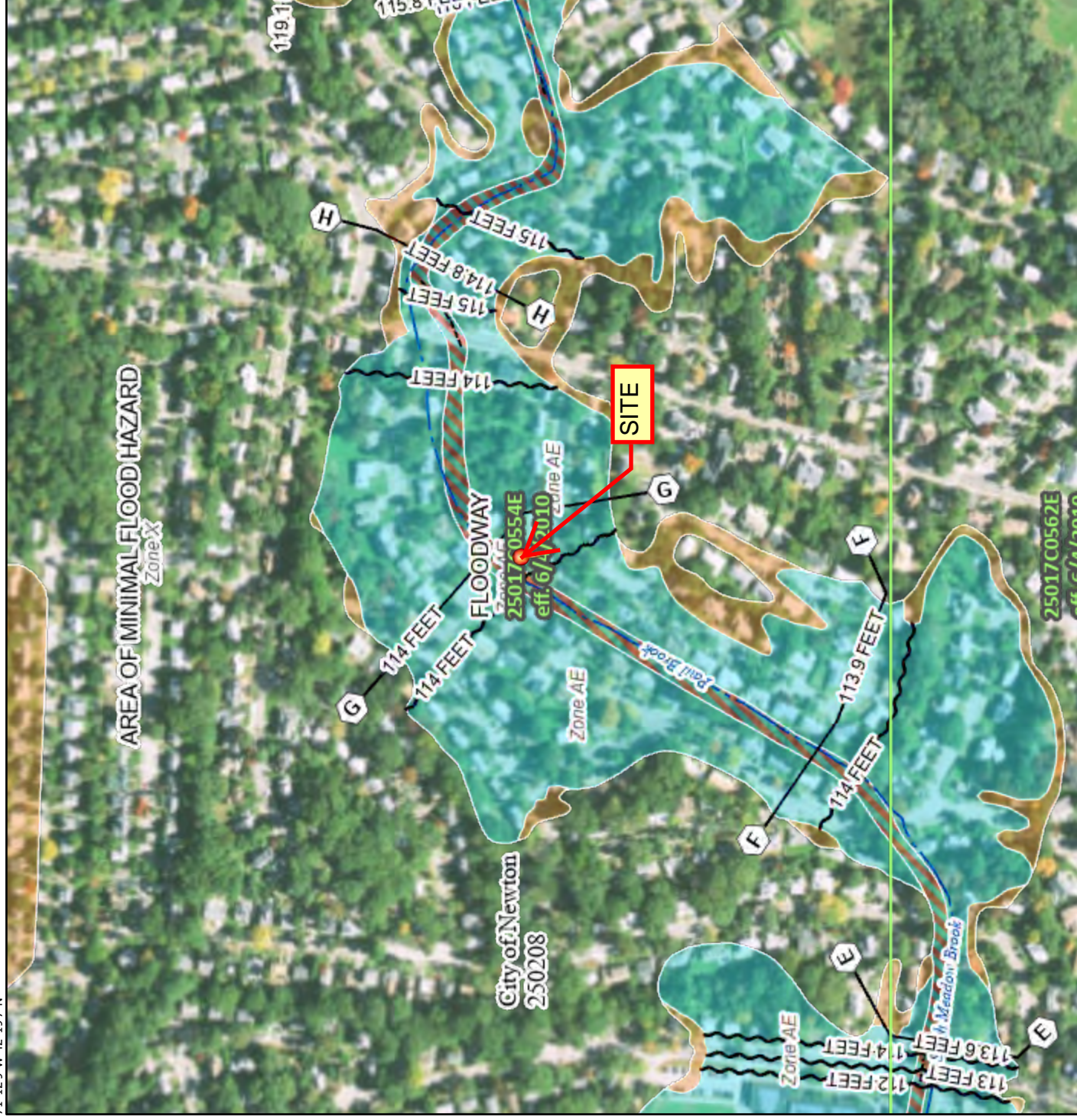


The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

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 **11/29/2022 at 9:23 AM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

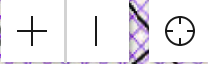
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory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



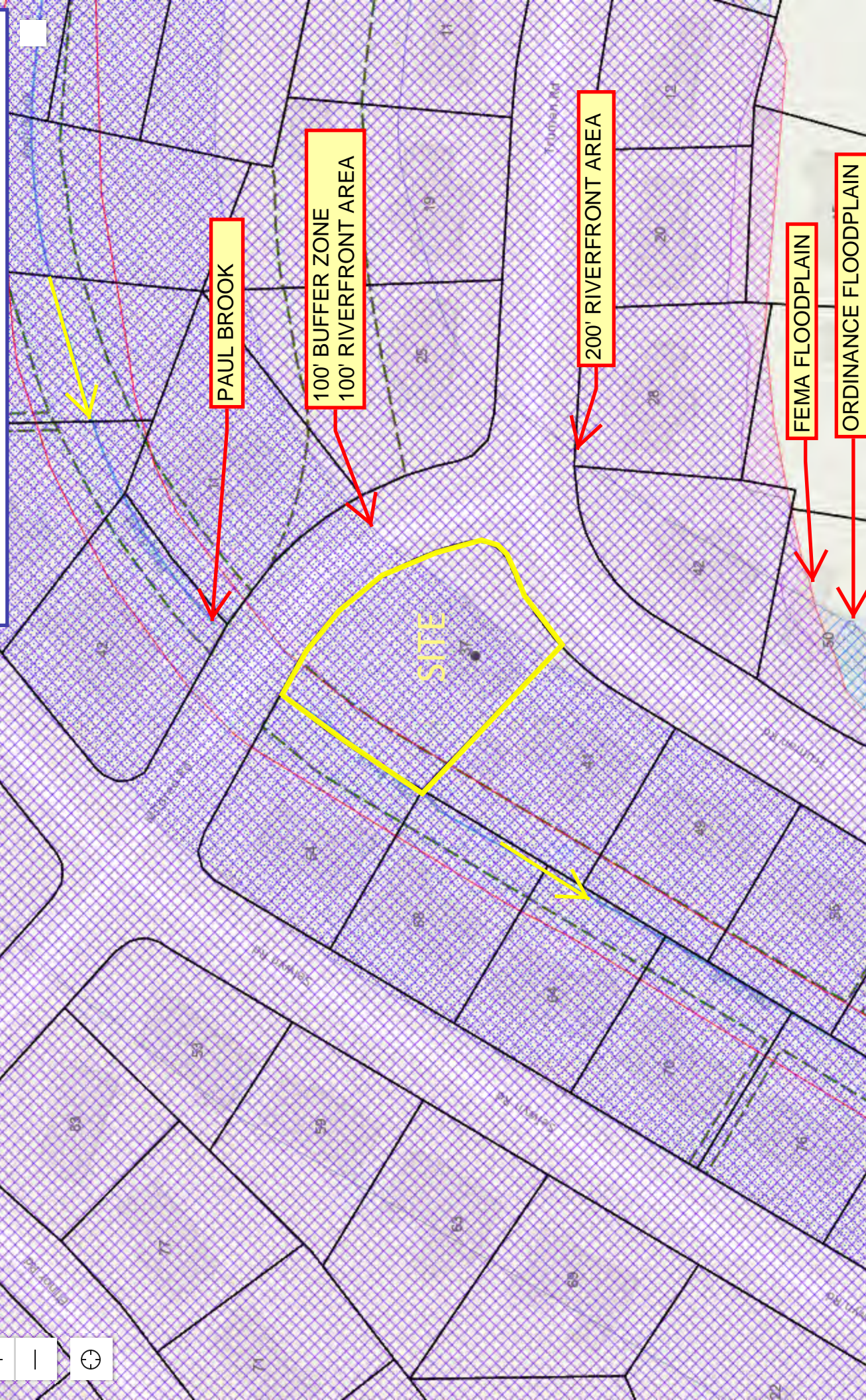
0 250 500 1,000 1,500 2,000 Feet  
 1:6,000  
 Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020



37 TRUMAN RD, NEWTON CENTRE



THE ENTIRE SITE IS LOCATED WITHIN MAPPED  
100-YEAR FLOODPLAIN AND RIVERFRONT AREA  
(EXCLUDING THE RIVER ITSELF)



PAUL BROOK

100' BUFFER ZONE  
100' RIVERFRONT AREA

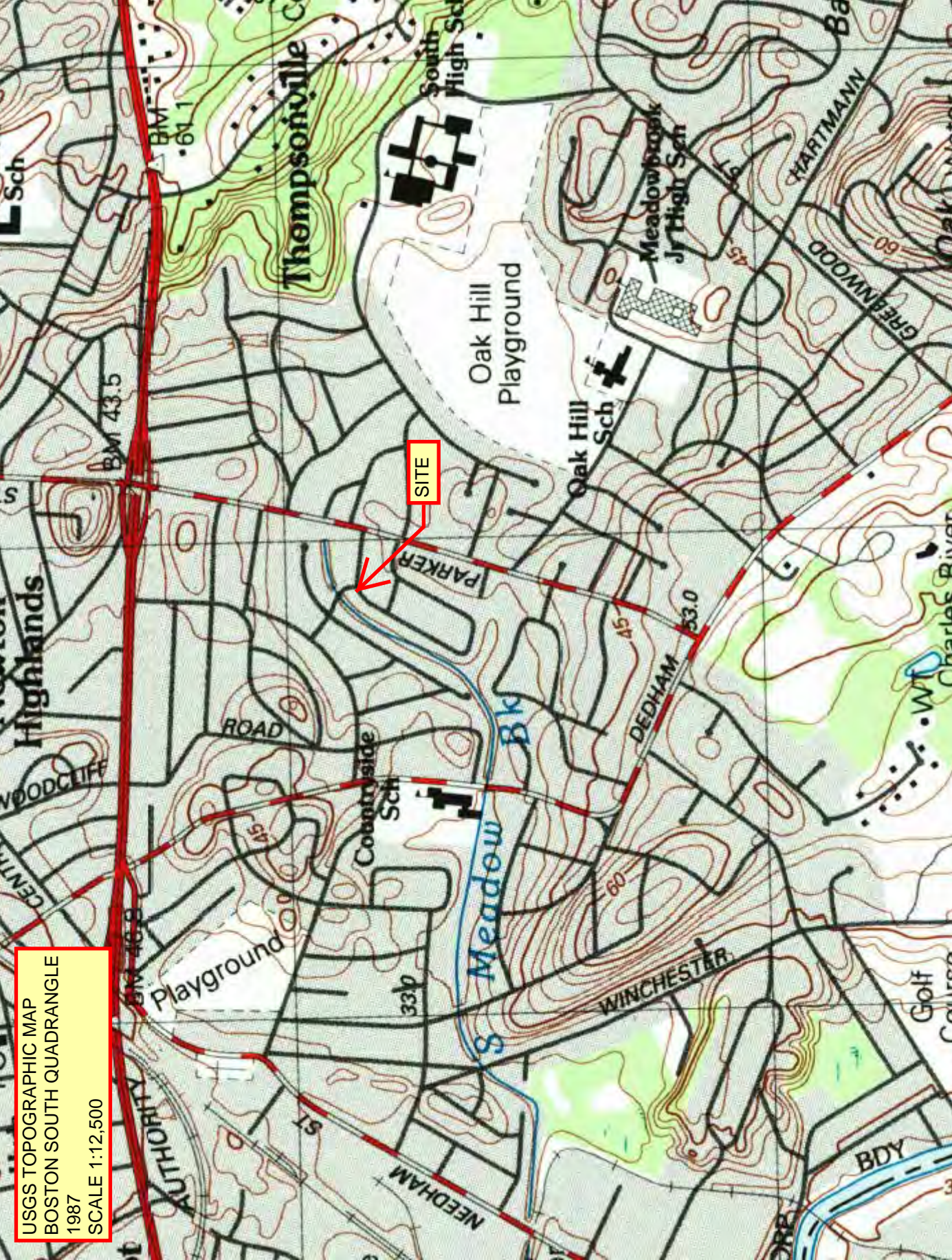
200' RIVERFRONT AREA

FEMA FLOODPLAIN

ORDINANCE FLOODPLAIN



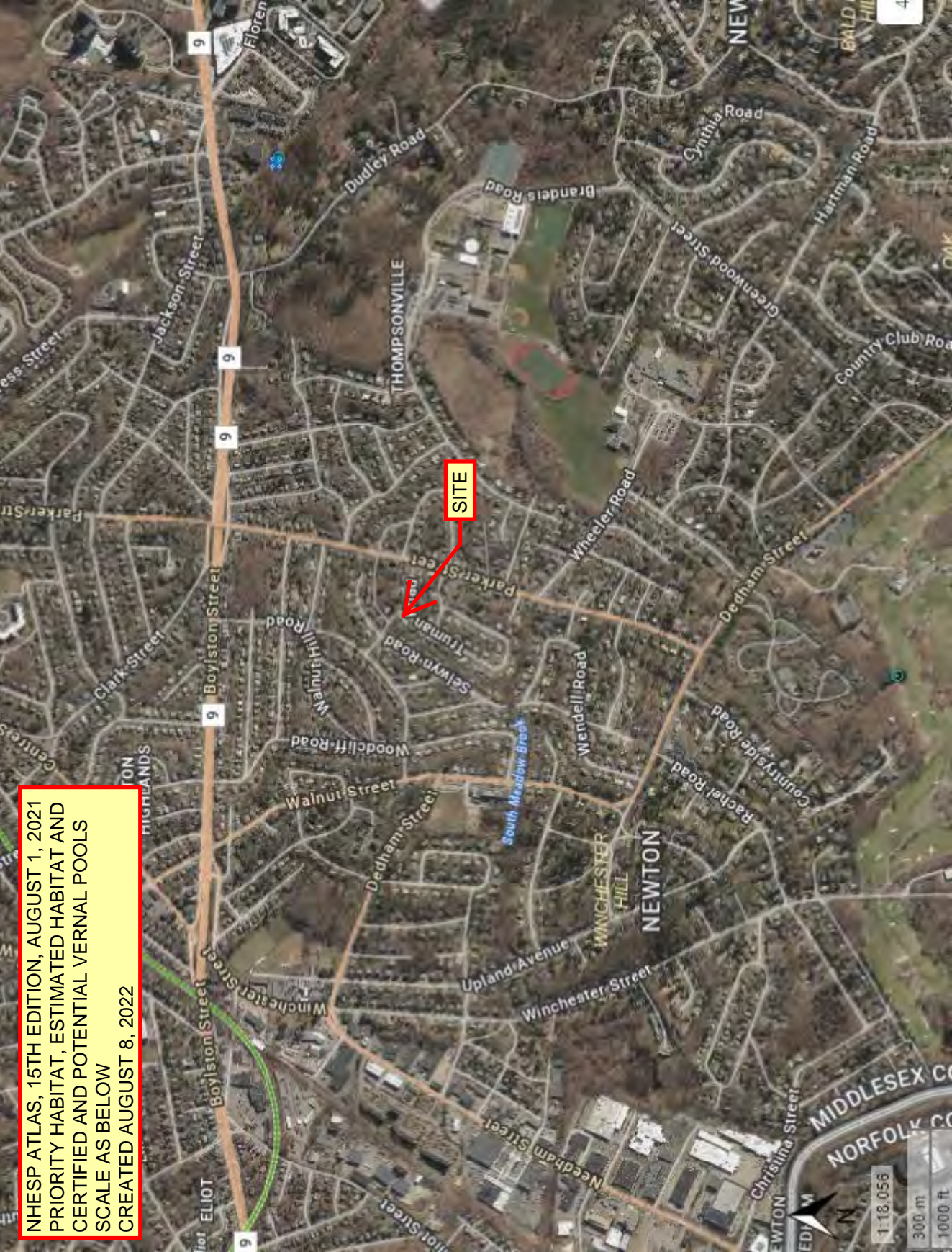
USGS TOPOGRAPHIC MAP  
BOSTON SOUTH QUADRANGLE  
1987  
SCALE 1:12,500



SITE



NHESP ATLAS, 15TH EDITION, AUGUST 1, 2021  
PRIORITY HABITAT, ESTIMATED HABITAT AND  
CERTIFIED AND POTENTIAL VERNAL POOLS  
SCALE AS BELOW  
CREATED AUGUST 8, 2022



SITE

1:18,056

300 m

1000 ft

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

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

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

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

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

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





10 A Street  
Hyde Park, MA 02136  
www.arborwaytree.com  
info@arborwaytree.com  
Tel: 617-522-6071  
Fax: 617-522-3025

November 11, 2022

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

To Whom It May Concern:

My name is Patrick Boyle and I am a Massachusetts and ISA certified arborist with Arborway Tree Care Company. I am writing on behalf of the owner of 37 Truman Road. On Thursday September 22, 2022 I performed a level 1 ground assessment of the trees 8 inches in diameter and over on the property in accordance to the International Society of Arboriculture (ISA) *Tree Risk Assessment Manual Second Edition* by Julian A. Dunster. Also, I evaluated the health of the hemlock saplings comprising the hedge located near the fence in the northwestern portion of the site.

While performing my hazard assessment, I determined the 38-inch Red Maple, 28-inch Red Maple, 37-inch Black Cherry located in the rear yard to have an elevated risk of failure. There are visible signs of decay and declining health. If the tree(s) were to fail, significant damage could occur to person(s) and major damage to property(s). Recommended mitigation is for the removal of the trees. There is an invasive species 12-inch Norway Maple located along the east side of the property that will be removed. With regard to the hemlock saplings, two of the ten saplings are dead and the remainder are significantly affected by Elongate Hemlock Scale and Hemlock Woolly Adelgid. Recommended mitigation is for the removal of the saplings. The remaining 8-inch Black Cherry and 11-inch Crabapple located in the rear yard show no signs of declining health or structural issues.

If you have any questions or concerns you can contact me directly at the office at 617-522-6071 or via email at pat@arborwaytree.com. Thank you for your consideration in this matter.

Sincerely,

Patrick J. Boyle, MCA  
Arborist Representative  
Massachusetts Certified Arborist #2450  
International Society of Arboriculture Certified Arborist NE-6946A  
Certified Treecare Safety Professional #01207

PJB/pjb

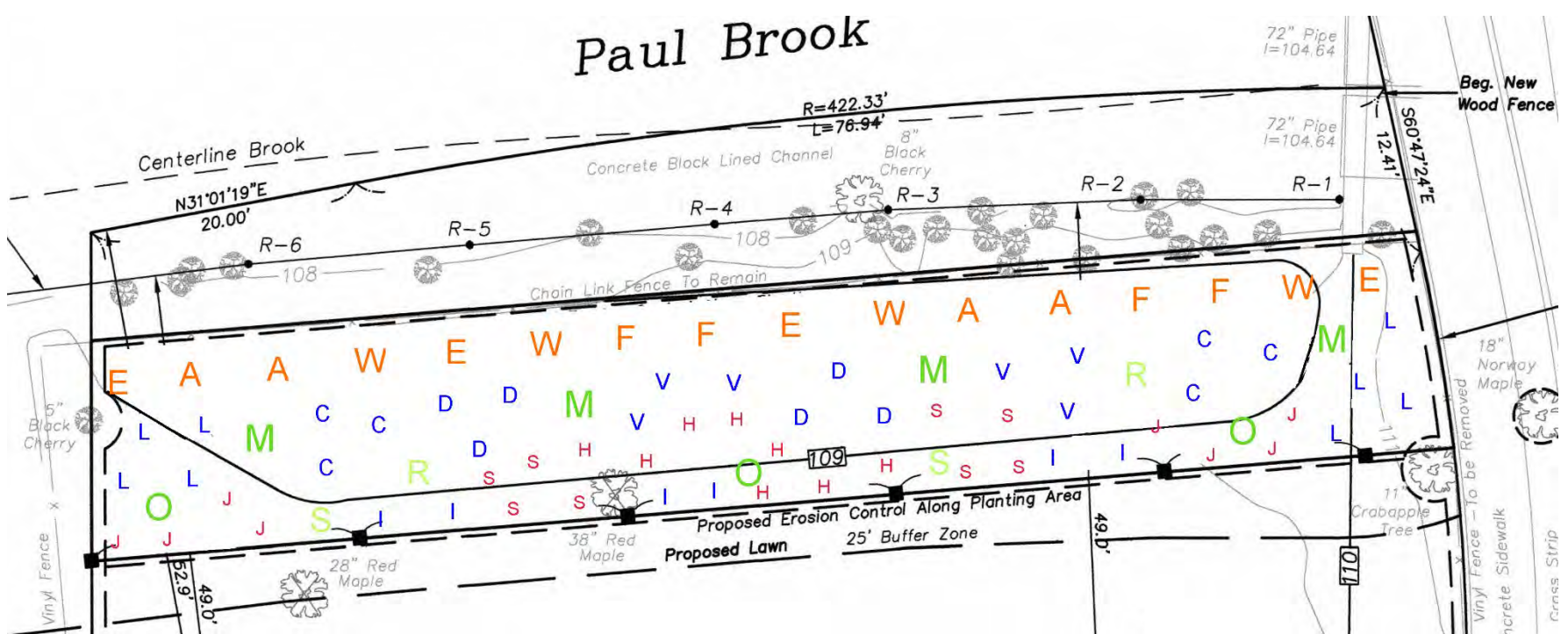
**PLANTING SCHEMATIC FOR ENHANCEMENT PLANTING AREA  
37 TRUMAN ROAD, NEWTON**

**PREPARED BY ECOTEC, INC.  
DECEMBER 1, 2022**

**Enhancement Planting Area (1,600± S.F.)**

<b>Stratum; Species; Size; Spacing</b>	<b>Number</b>
<b>Mixed Evergreen Hedge; 6-8' Height (4 to 5" Caliper); 6+' Spacing in Row</b>	16
<b>E</b> Eastern White Pine ( <i>Pinus strobus</i> )	4
<b>A</b> Atlantic White Cedar ( <i>Chamaecyparis thyoides</i> )	4
<b>W</b> White Spruce ( <i>Picea alba</i> )	4
<b>F</b> Balsam Fir ( <i>Abies balsamea</i> )	4
<b>Canopy Saplings; 3" caliper; 15' on-center</b>	7
<b>O</b> Northern Red Oak or Pin Oak ( <i>Quercus rubra</i> or <i>palustris</i> )	3
<b>M</b> Red Maple ( <i>Acer rubrum</i> )	4
<b>Understory Saplings; 2" caliper; 15' on-center</b>	4
<b>R</b> Eastern Redbud ( <i>Cercis canadensis</i> )	2
<b>S</b> Sweetbay Magnolia ( <i>Magnolia virginiana</i> )	2
<b>Shrubs (Evergreen and Deciduous); 3-4' height; 7' on-center</b>	32
<b>L</b> Mountain Laurel ( <i>Kalmia latifolia</i> )	8
<b>C</b> Serviceberry ( <i>Amelanchier canadensis</i> )	6
<b>D</b> Silky Dogwood ( <i>Cornus amomum</i> )	6
<b>V</b> American Cranberrybush ( <i>Viburnum trilobum</i> )	6
<b>I</b> Inkberry ( <i>Ilex glabra</i> )	6
<b>Small Shrubs; 18-24" height; 8' on center (clumps of 2 or 3)</b>	24
<b>H</b> Northern Bush Honeysuckle ( <i>Diervilla lonicera</i> )	8
<b>S</b> Shrubby Cinquefoil ( <i>Potentilla fruticosa</i> )	8
<b>J</b> Common Juniper ( <i>Juniperus communis</i> )	8

- The existing diseased Eastern Hemlocks will be removed from the site and the roots grubbed.
- The erosion control barrier of staked 12" compost sock will be installed at the fence.
- The area will be graded as shown on proposed plan; a minimum of 6" of loamy topsoil will be required to remain or be applied to the area as part of the proposed grading.
- Substitutions are subject to approval by Conservation Staff.
- Plants must be natives; cultivars and varietals will not be accepted.
- All excess soil must be removed and disposed of off-site.
- After planting, the area will be mulched with a 3" thick layer of a 4:1 mixture of decomposed leaf compost and natural bark mulch.
- After planting the plants must be watered in well and watered periodically until they are established.
- The required stone bounds with City of Newton medallions.



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

# VERNE T. PORTER JR. PLS

LAND SURVEYORS - CIVIL ENGINEERS

354 ELLIOT STREET  
NEWTON, MA 02464  
TEL (617) 964-7170  
FAX (617) 964-7540  
VTPPLS@AOL.COM

November 29, 2022

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

Re: 37 Truman Road Newton

To whom it may concern:

I certify that the following table represents the existing and proposed compensatory storage for the above referenced address on a foot by foot breakdown.

<u>Elevation Range</u>	<u>Existing Displacement</u>	<u>Proposed Displacement</u>	<u>Net Change</u>
109-110	699.34 CF	63.62 CF	-635.72CF/ >90.9%
110-111	1395.79 CF	967.10 CF	-428.69 CF/>30.7%
111-112	1388.39 CF	1094.55 CF	-293.84 CF/>21.1%
112-113	1370.9 CF	1084.31 CF	-287.59 CF/>20.9%
<u>113-114</u>	<u>1348.56 CF</u>	<u>977.71 CF</u>	<u>-370.85 CF /&gt;27.5%</u>
<b>Total</b>	<b>6202.98 CF</b>	<b>4187.29 CF</b>	<b>-2015.69 CF/&gt;32.5%</b>

If I can be of any further assistance with this matter please do not hesitate to contact my office.

Sincerely



Verne T. Porter Jr.,PLS,EIT





JOB 37 TRUMAN RD NEWTON

**VERNE T. PORTER JR. PLS**  
 LAND SURVEYORS - CIVIL ENGINEERS

SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_

CALCULATED BY JPS DATE 11-16-2022

32 PORTER ROAD  
 NATICK, MA 01760

354 ELLIOT STREET  
 NEWTON, MA 02464

CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_

SCALE \_\_\_\_\_

ELEVATION RANGE	EXISTING STORAGE	PROPOSED VOLUME	NET CHANGE
109-110	699.34 cu ft	63.62 cu ft	-635.72 cu ft > 90.9%
110-111	1395.79 cu ft	967.10 cu ft	-428.69 cu ft > 30.7%
111-112	1388.39 cu ft	1094.55 cu ft	-293.84 cu ft > 21.1%
112-113	1370.90 cu ft	1084.31 cu ft	-287.59 cu ft > 20.9%
113-114	1348.56 cu ft	977.71 cu ft	-370.85 cu ft > 27.5%
TOTAL	6202.98 C.F.	4187.29 C.F.	-2015 C.F. > 32.5%



JOB 37 TRUMAN RD NEWTON

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CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_

SCALE NTS

EXISTING STORAGE

1) 109 - 110

EXISTING HOUSE	$1330 \times 0.5 =$	665 C.F.
BLK HEAD	$25 \times 0.5 =$	12.5 CF
FRONT LANDING	$42 \times 0.5 =$	21.0 CF
DECK POST'S	$8 \times 0.35 \times 0.3 =$	0.84 CF
		<hr/>
		699.34 C.F.

2) 110 - 111

EXISTING HOUSE	$1330 \times 1.0 =$	1330 C.F.
BLK HEAD	$25 \times 0.9 =$	22.5
FRONT LANDING	$42 \times 1.0 =$	42.0
DECK POST 8"	$8 \times 0.35 \times 0.3 =$	0.84
4"	$8 \times 0.08 \times 0.7 =$	0.45
		<hr/>
		1395.79 C.F.

3) 111 - 112

EXISTING HOUSE	$1330 \times 1.0 =$	1330 C.F.
BLK HEAD	$(3.5 \times 4.5) \times 1.6 =$	15.75 CF
FRONT LANDING	$42.0 \times 1.0 =$	42.0
DECK POST	$8 \times 0.08 \times 1.0 =$	0.64 CF
		<hr/>
		1388.39



EXISTING STORAGE

4) 112-113

EXISTING HOUSE	$1330 \times 1.0 =$	1330 CF
BLK HEAD	$2.34 \times 4.5 \times 0.5 =$	5.26
FRONT LANDING	$5.0 \times 7.0 \times 1.0 =$	35.0
DECK POST	$8 \times 0.08 \times 1.0 =$	0.64
		<hr/>
		1370.90

5) 113-114

EXISTING HOUSE	$1330 \times 1.0 =$	1330 CF
BLK HEAD	$=$	0
FRONT LANDING	$4.0 \times 7.0 \times 0.64 =$	17.92 CF
DECK	$8 \times 0.08 \times 1.0 =$	0.64
		<hr/>
		1348.56 CF



32 PORTER ROAD  
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 NEWTON, MA 02464

PROPOSED STORAGE

1) 109-110

PROPOSED HOUSE	$960.29 \times 0.5 =$	480.145 cu ft
PIERS A 10@0.125	=	1.25 cu ft
PIERS D 4@0.054	=	0.22 cu ft
REAR STAIRS 2@1 cu ft		2.00 cu ft
		<u>483.62</u>

1A) 109-110 CUT  $14' \times 75' \times 0.4' =$  420 cu ft  
 NET 63.62 cu ft

2) 110-111

PROPOSED HOUSE	$960.29 \times 1.0 =$	960.29
PIER A 10@0.25	=	2.5 cu ft
PIER B 6@0.25	=	1.5 cu ft
PIER C 3@0.125	=	0.375 cu ft
PIER D 4@0.109	=	0.436 cu ft
REAR STAIRS 2@1.0 cu ft	=	2.00 cu ft
		<u>967.10 cu ft</u>

3) 111-112

PROPOSED HOUSE	$960.29 \times 1.0 =$	960.29 cu ft
PIER A 10@0.25	=	2.50 cu ft
PIER B 6@0.25	=	1.50 cu ft
PIER C 3@0.25	=	0.75 cu ft
PIER D 4@0.109	=	0.436 cu ft
PLANTER $31.15 \times 3 \times 1$	=	93.45 cu ft
FRONT STAIRS $7.31 \times 5 \times 0.6$	=	21.93 cu ft
" " $7.31 \times 4 \times 0.4$	=	11.70 cu ft
REAR STAIRS 2 x 1 cu ft	=	2.00 cu ft
		<u>1094.55</u>



PROPOSED STORAGE

4) 112 - 113

PROPOSED HOUSE	$960,29^2 \times 1'$	=	960,29 cu ft
PIER A	10 @ 0,25	=	2,50 cu ft
PIER B	6 @ 0,25	=	1,50 cu ft
PIER C	3 @ 0,25	=	0,75 cu ft
PIER D	4 @ 0,109	=	0,436 cu ft
PLANTER	31,15' x 3' x 1'	=	93,43 cu ft
FRONT STAIRS	7,31 x 4 x 0,2	=	5,85 cu ft
" "	7,31 x 3 x 0,8	=	17,55 cu ft
REAR STAIRS	2 @ 1,0	=	2,00 cu ft
			<u>1084,31 cu ft</u>

5) 113 - 114

PROPOSED HOUSE	$960,295^2 \times 1'$	=	960,29 cu ft
PIER A	10 @ 0,25	=	2,50 cu ft
PIER B	6 @ 0,25	=	1,50 cu ft
PIER C	3 @ 0,25	=	0,75 cu ft
PIER D	4 @ 0,109	=	0,43 cu ft
FRONT STAIRS	7,31 x 2 x 0,4	=	5,85 cu ft
" "	7,31 x 1 x 0,6	=	4,39 cu ft
REAR STAIRS	2 @ 1,0	=	2,00 cu ft
			<u>977,71</u>



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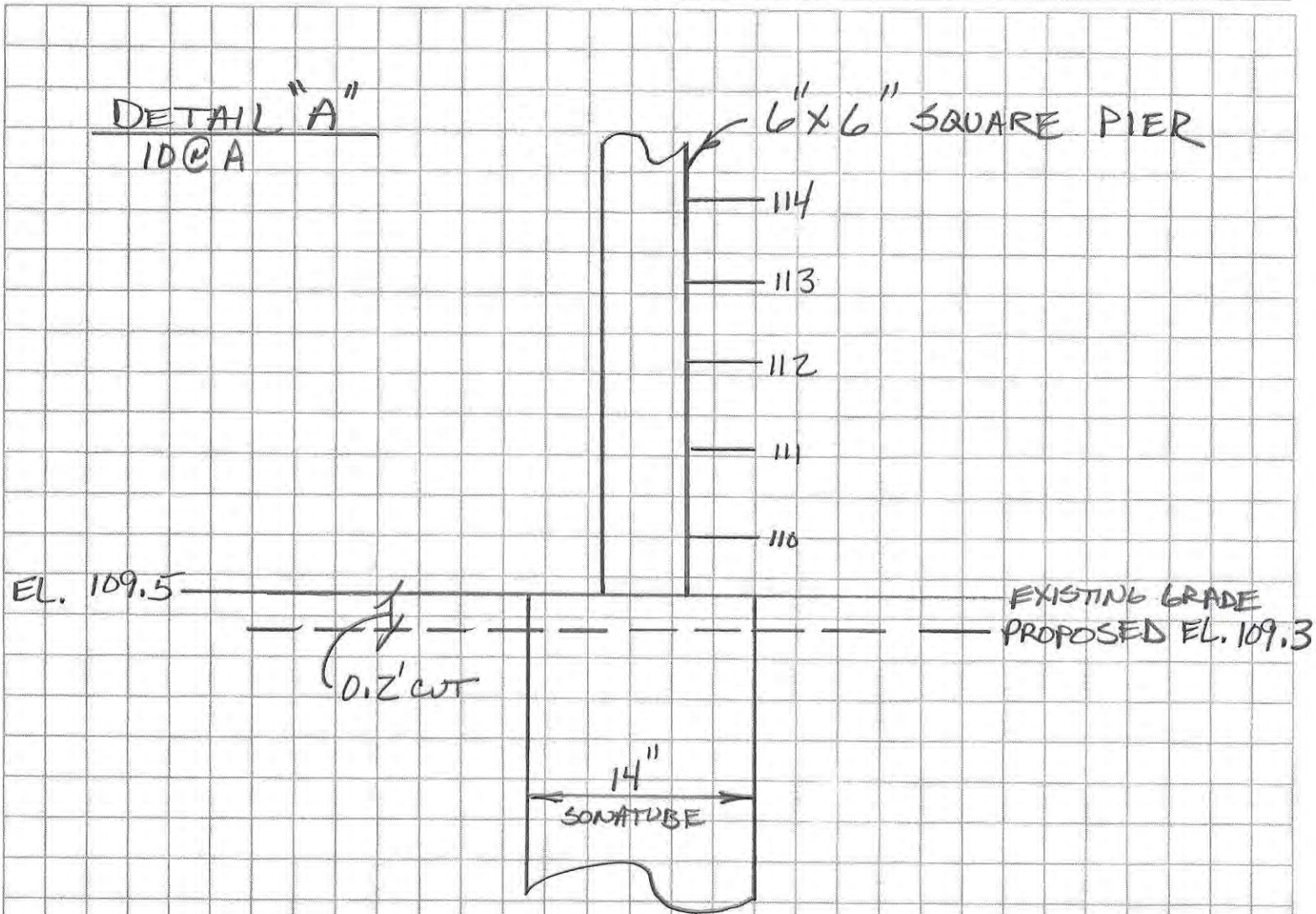
JOB 37 TRUMAN RD NEWTON

SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_

CALCULATED BY VAS DATE 11-16-22

CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_

SCALE \_\_\_\_\_



$$109-110 = 0.5' \times 0.5' \times 0.5' = 0.125 \text{ cu ft}$$

$$110-111 = 0.5 \times 0.5 \times 1.0 = 0.25 \text{ cu ft}$$

$$111-112 = 0.5 \times 0.5 \times 1.0 = 0.25 \text{ cu ft}$$

$$112-113 = 0.5 \times 0.5 \times 1.0 = 0.25 \text{ cu ft}$$

$$113-114 = 0.5 \times 0.5 \times 1.0 = 0.25 \text{ cu ft}$$



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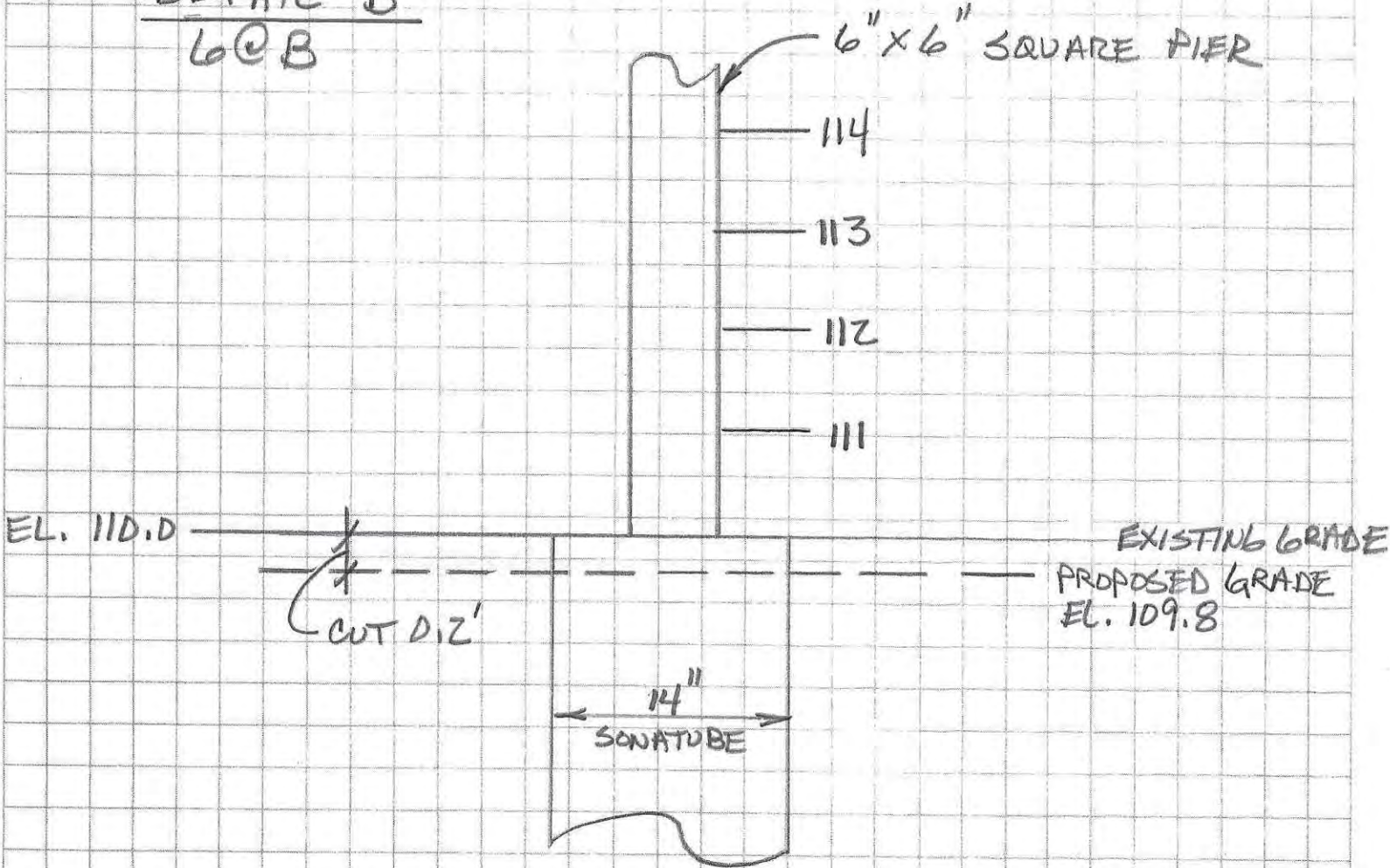
SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_

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CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_

SCALE \_\_\_\_\_

DETAIL "B"  
6 @ B



$$110-111 = 0.5' \times 0.5' \times 1.0' = 0.25 \text{ cu ft.}$$

$$111-112 = 0.5' \times 0.5' \times 1.0' = 0.25 \text{ cu ft.}$$

$$112-113 = 0.5' \times 0.5' \times 1.0' = 0.25 \text{ cu ft.}$$

$$113-114 = 0.5' \times 0.5' \times 1.0' = 0.25 \text{ cu ft.}$$



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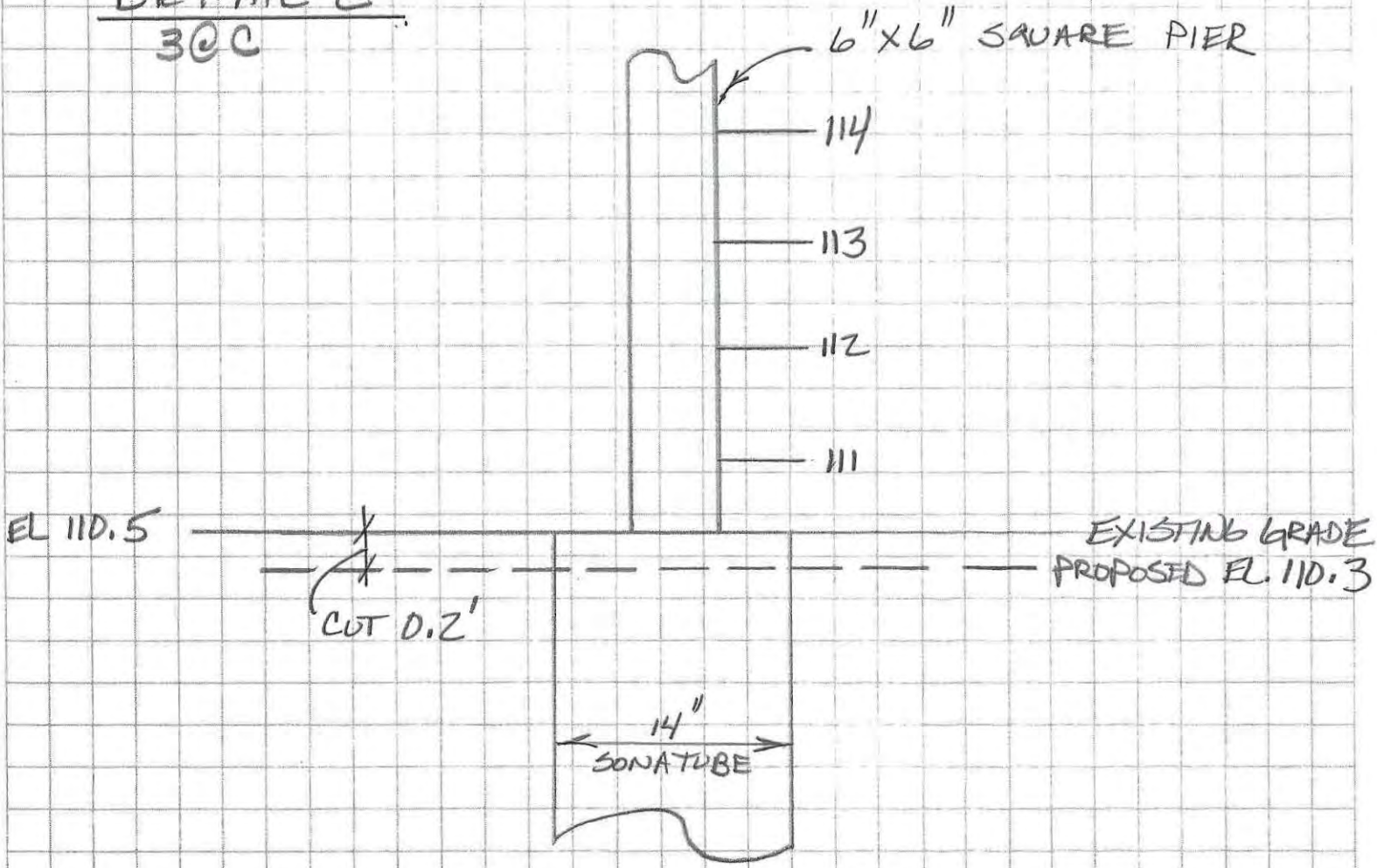
SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_

CALCULATED BY VPS DATE 11-16-22

CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_

SCALE \_\_\_\_\_

DETAIL "C"  
300



$$110 - 111 = 0.5' \times 0.5' \times 0.5' = 0.125 \text{ cu. ft.}$$

$$111 - 112 = 0.5' \times 0.5' \times 1.0' = 0.25 \text{ cu ft}$$

$$112 - 113 = 0.5' \times 0.5' \times 1.0' = 0.25 \text{ cu ft}$$

$$113 - 114 = 0.5' \times 0.5' \times 1.0' = 0.25 \text{ cu. ft.}$$



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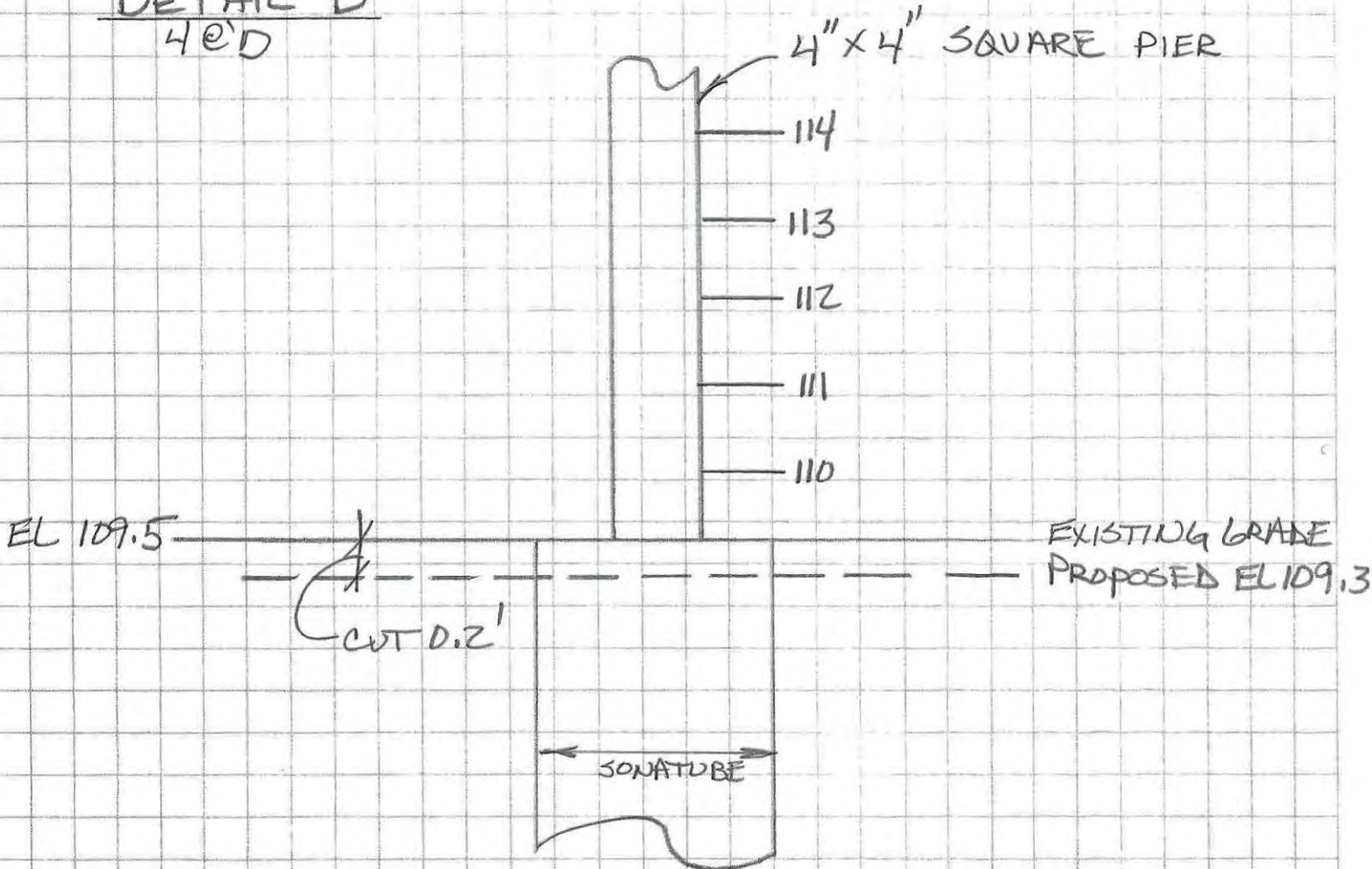
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SCALE \_\_\_\_\_

DETAIL "D"  
4' x 4'



$$109-110 = 0.33 \times 0.33 \times 0.5 = 0.054 \text{ cu.ft.}$$

$$110-111 = 0.33 \times 0.33 \times 1.0' = 0.109 \text{ cu.ft.}$$

$$111-112 = 0.33 \times 0.33 \times 1.0' = 0.109 \text{ cu.ft.}$$

$$112-113 = 0.33 \times 0.33 \times 1.0' = 0.109 \text{ cu.ft.}$$

$$113-114 = 0.33 \times 0.33 \times 1.0' = 0.109 \text{ cu.ft.}$$



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

**Conservation Commission Wetland Application Coversheet/Checklist**

**Date** For 12/6/22 Deadline

Fill in all white cells completely

<b>Parcel</b>		<b>Applicant name</b>	David Koren and Refael Baranets		
Address	37 Truman Road	Address	37 Truman Road, Newton, MA 02459		
Sec/Block/Lot	81 / 031 / 0014	Email	duduk90@gmail.com and lafush@gmail.com		
Book & Page	78693 & 365	Phone	781-491-7970		
<b>Owner name</b>	David Koren and Refael Baranets	<b>Representative</b>	John P. Rockwood, Ph.D., SPWS		
Address	37 Truman Road, Newton, MA 02459	Address	EcoTec, Inc. 102 Grove Street, Worcester, MA 01605		
Email	duduk90@gmail.com lafush@gmail.com	Email	jrockwood@ecotecinc.com		
Phone	781-491-7970	Phone	508-752-9666		
<b>Legal Ad Payor</b>	Please identify which party will pay for the Legal Ad.		John Rockwood, EcoTec, Inc. 508-752-9666 jrockwood@ecotecinc.com		
<b>Wetland type</b>	Riverfront Area	<b>sf/cf affected</b>	3,960 sf *	<b>Relevant Perf. Standards</b>	<b>10.58(4)(a&amp;b)&amp;(5)</b>
<b>Wetland type</b>	Bordering Land Subject to Flooding	<b>sf/cf affected</b>	8,980 sf / 4,187 cf*	<b>Relevant Perf. Standards</b>	<b>10.57 (4)(a)</b>
<b>Wetland type</b>	Buffer Zone	<b>sf/cf affected</b>	--	<b>Relevant Perf. Standards</b>	<b>10.53(1)</b>

\* See WPA Form 3 and Cover Letter for additional information

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>	See NOI Cover Letter for a complete listing of materials included as part of this filing.
<b>Narrative</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter
<b>Proof that all relevant perf. standards are met</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter
<b>Locus map</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter
<b>Delineation lines (backup material)</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter
<b>Fees</b>	
● Fee Transmittal form	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter
● City portion of state filing fee <u>\$387.50</u>	Included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Checks hand-delivered to Conservation Staff on 11/28/2022
● City's separate filing fee <u>\$50</u>	Included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Copies of Redacted Checks attached to Forms
<b>Abutter Information</b>	
● Certified abutters list (within 100')	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Cover Letter
● Newton's Abutter notification form	Included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No To be submitted via NewGov once abutter notifications are sent
● Affidavit & proof -- bring to hearing	<i>Present them at the hearing</i>
<b>Other Attachments, e.g.</b>	
<b>Planting Plan</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable See EcoTec Planting Schematic
<b>Floodplain analysis</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable See Site Plan, Cover Letter, and Floodplain Displacement Memorandum
<b>Stormwater analysis</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable See Drainage Summary
<b>Riverfront Area Alternatives Analysis</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable See Cover Letter
<b>Restoration or mitigation summary</b>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable See Site Plan and Cover Letter
<del>Phasing/Sequencing plan, O&amp;M plan, etc.</del>	Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable See 'Stand-alone' O & M Plan

## 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 via electronic submission through NewGov.</b> 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" format, if legible) stamped by engineer if any aspect of the project requires engineering.</li> </ul> </li> <li>• <b>Application fees via mail to Newton Conservation Office, 1000 Commonwealth Ave., Newton, MA 02459.</b> 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 <b>paper</b> 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 via 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:

MassDEP File Number

Document Transaction Number

NEWTON

City/Town

**Important:**

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



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

**A. General Information**

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

<u>37 Truman Road</u>	<u>Newton</u>	<u>02459</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>42.31492</u>	<u>-71.19727</u>	
d. Latitude	e. Longitude	
<u>81 031</u>	<u>0014</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>David / Refael</u>	<u>Koren / Baranets</u>	
a. First Name	b. Last Name	
--		
c. Organization		
<u>37 Truman Road</u>		
d. Street Address		
<u>Newton</u>	<u>MA</u>	<u>02459</u>
e. City/Town	f. State	g. Zip Code
<u>781-491-7970</u>	<u>--</u>	<u>duduk90@gmail.com / lafush@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>David / Refael</u>	<u>Koren / Baranets</u>	
a. First Name	b. Last Name	
--		
c. Organization		
<u>37 Truman Road</u>		
d. Street Address		
<u>Newton</u>	<u>MA</u>	<u>02459</u>
e. City/Town	f. State	g. Zip Code
<u>781-491-7970</u>	<u>--</u>	<u>duduk90@gmail.com / lafush@gmail.com</u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

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

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

<u>\$ 750.00</u>	<u>\$ 362.50</u>	<u>\$ 387.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

# WPA Form 3 – Notice of Intent

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

Provided by MassDEP:
MassDEP File Number
Document Transaction Number
NEWTON
City/Town

## A. General Information (continued)

### 6. General Project Description:

The project consists of the demolition of the existing single-family house (SFH) and associated site features and the construction of a new SFH with associated site features within Riverfront Area, Bordering Land Subject to Flooding, and/or Buffer Zone. Erosion controls, stormwater management, compensatory storage, and lawn renaturalization are proposed (see Cover Letter and Site Plan).

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

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

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

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

--

2. Limited Project Type

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

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

South Middlesex	--
a. County	b. Certificate # (if registered land)
78693	365
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**

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

Provided by MassDEP:  
 \_\_\_\_\_  
 MassDEP File Number  
 \_\_\_\_\_  
 Document Transaction Number  
**NEWTON**  
 \_\_\_\_\_  
 City/Town

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

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

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	8,980 1. square feet 4,187 3. cubic feet of flood storage lost	1,600 (see Cover Letter) 2. square feet 6,203 (see Cover Letter) 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	Paul Brook - Inland 1. Name of Waterway (if available) - <b>specify coastal or inland</b>	

2. Width of Riverfront Area (check one):

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

3. Total area of Riverfront Area on the site of the proposed project: 11,129  
square feet

4. Proposed alteration of the Riverfront Area:

3,960 (see Cover Letter)      3,820      140  
 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**  
 Bureau of Resource Protection - Wetlands

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**NEWTON**

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City/Town

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

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

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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	-- 1. square feet	
	-- 2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	-- 1. square feet	-- 2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	-- 1. square feet	-- 2. cubic yards dune nourishment
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	-- 1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	-- 1. square feet	
h. <input type="checkbox"/> Salt Marshes	-- 1. square feet	-- 2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	-- 1. square feet	
	-- 2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	-- 1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	-- 1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	-- 1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	-- a. square feet of BVW	-- b. square feet of Salt Marsh
5. <input type="checkbox"/> Project Involves Stream Crossings	-- a. number of new stream crossings	-- b. number of replacement stream crossings



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

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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

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

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

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

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

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







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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Document Transaction Number
<b>NEWTON</b>
City/Town

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

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

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

**D. Additional Information**

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

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

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

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



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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<b>NEWTON</b>
City/Town

## D. Additional Information (cont'd)

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

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

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

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

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

8.  Attach NOI Wetland Fee Transmittal Form

9.  Attach Stormwater Report, if needed.

## E. Fees

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

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

<u>1445523103</u>	<u>10/20/2022</u>
2. Municipal Check Number	3. Check date
<u>1445523104</u>	<u>10/20/2022</u>
4. State Check Number	5. Check date
<u>Cashier's Check from Bank of America</u>	<u>Remitter: Refael Baranets</u>
6. Payor name on check: First Name	7. Payor name on check: Last Name



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

Provided by MassDEP:

# WPA Form 3 – Notice of Intent

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

\_\_\_\_\_  
MassDEP File Number

\_\_\_\_\_  
Document Transaction Number

NEWTON

\_\_\_\_\_  
City/Town

## F. Signatures and Submittal Requirements

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

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

See Next Page

\_\_\_\_\_  
1. Signature of Applicant

\_\_\_\_\_  
2. Date

\_\_\_\_\_  
3. Signature of Property Owner (if different)

\_\_\_\_\_  
4. Date

*John Prochwood*

12/1/2022

\_\_\_\_\_  
5. Signature of Representative (if any)

\_\_\_\_\_  
6. Date

### For Conservation Commission:

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

### For MassDEP:

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

### Other:

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

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





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

**WPA Form 3 – Notice of Intent**

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

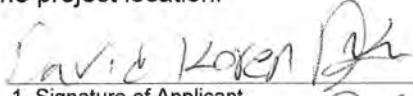
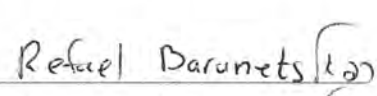
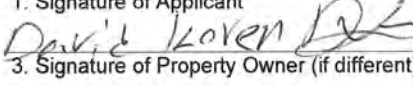
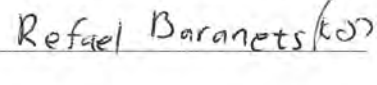
NEWTON

City/Town

**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>11/23/22</u>
1. Signature of Applicant		2. Date
		<u>11/23/22</u>
3. Signature of Property Owner (if different)		4. Date
5. Signature of Representative (if any)		6. Date

**For Conservation Commission:**

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

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

**Other:**

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

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



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

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



**A. Applicant Information**

1. Location of Project:

37 Truman Road	Newton
a. Street Address	b. City/Town
1445523104	\$ 362.50
c. Check number	d. Fee amount

2. Applicant Mailing Address:

David / Refael	Koren / Baranets	
a. First Name	b. Last Name	
--	--	
c. Organization		
37 Truman Road		
d. Mailing Address		
Newton	MA	02459
e. City/Town	f. State	g. Zip Code
781-491-7970	--	duduk90@gmail.com / lafush@gmail.com
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

David / Refael	Koren / Baranets	
a. First Name	b. Last Name	
--	--	
c. Organization		
37 Truman Road		
d. Mailing Address		
Newton	MA	02459
e. City/Town	f. State	g. Zip Code
781-491-7970	--	duduk90@gmail.com / lafush@gmail.com
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
2a. Single-family House in RFA, BLSF, and Buffer Zone	1	\$ 500 x 1.5	\$ 750.00

**Step 5/Total Project Fee:** \$ 750.00

**Step 6/Fee Payments:**

Total Project Fee:	<u>\$ 750.00</u>
	a. Total Fee from Step 5
State share of filing Fee:	<u>\$ 362.50</u>
	b. 1/2 Total Fee <b>less</b> \$12.50
City/Town share of filing Fee:	<u>\$ 387.50</u>
	c. 1/2 Total Fee <b>plus</b> \$12.50

**C. Submittal Requirements**

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

Department of Environmental Protection  
Box 4062  
Boston, MA 02211

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

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



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

**Assessment Administration  
City of Newton, MA**

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

**REQUEST FOR ABUTTERS LIST  
AND MAILING LABELS**

**Purpose: (check one)**

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

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

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

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

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

**Subject property:** 37 Truman Road (SBL 81 031 0014)

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

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

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

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

- 1 set
- 2 sets

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

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

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

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

**Signature:** John P. Rockwood **Date:** 11/21/2022

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

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

Date: November 21, 2022

Subject Property Address: 37 TRUMAN RD Newton, MA  
Subject Property ID: 81-031-0014

Search Distance: 100 Feet

---

Owner: RABBI SHACHAR  
Co-Owner: RABBI NIVI  
Prop ID: 81-031-0011  
Prop Location: 64 SELWYN RD Newton, MA  
Mailing Address:

64 SELWYN RD  
NEWTON, MA 02461

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Owner: DOUNG SHAWN  
Co-Owner: CAI CUI YI  
Prop ID: 81-031-0012  
Prop Location: 58 SELWYN RD Newton, MA  
Mailing Address:  
58 SELWYN RD  
NEWTON, MA 02461

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Owner: NASH PATRICIA L TR  
Co-Owner: LOUGHREA TRUST  
Prop ID: 81-031-0013  
Prop Location: 54 SELWYN RD Newton, MA  
Mailing Address:  
54 SELWYN RD  
NEWTON, MA 02461

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Owner: CANTHASAKSIRI SOONTAREE  
Co-Owner: JAMDEE SURIYANT  
Prop ID: 81-031-0015  
Prop Location: 41 TRUMAN RD Newton, MA  
Mailing Address:  
41 TRUMAN RD  
NEWTON CENTRE, MA 02459

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Owner: MEDVEDOVSKY LEONID & MARINA  
Prop ID: 81-031-0016  
Prop Location: 49 TRUMAN RD Newton, MA  
Mailing Address:  
49 TRUMAN RD  
NEWTON, MA 02459

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Owner: HU ZHIGEN  
Co-Owner: SUN YAYING  
Prop ID: 81-033-0002  
Prop Location: 42 TRUMAN RD Newton, MA  
Mailing Address:  
42 TRUMAN RD  
NEWTON, MA 02459

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Owner: SONG MIN KEUN  
Co-Owner: CHO EUN JUNG  
Prop ID: 81-033-0003  
Prop Location: 28 TRUMAN RD Newton, MA  
Mailing Address:  
28 TRUMAN RD  
NEWTON CENTRE, MA 02459

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Owner: MCAFEE ANDREW T  
Co-Owner: HAHN JILL K  
Prop ID: 81-034-0027  
Prop Location: 42 SELWYN RD Newton, MA  
Mailing Address:  
42 SELWYN RD  
NEWTON, MA 02461

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Owner: EIZENBERG ZVI G & ALLA  
Prop ID: 81-034-0028  
Prop Location: 11 MILDRED RD Newton, MA  
Mailing Address:  
11 MILDRED RD  
NEWTON, MA 02459

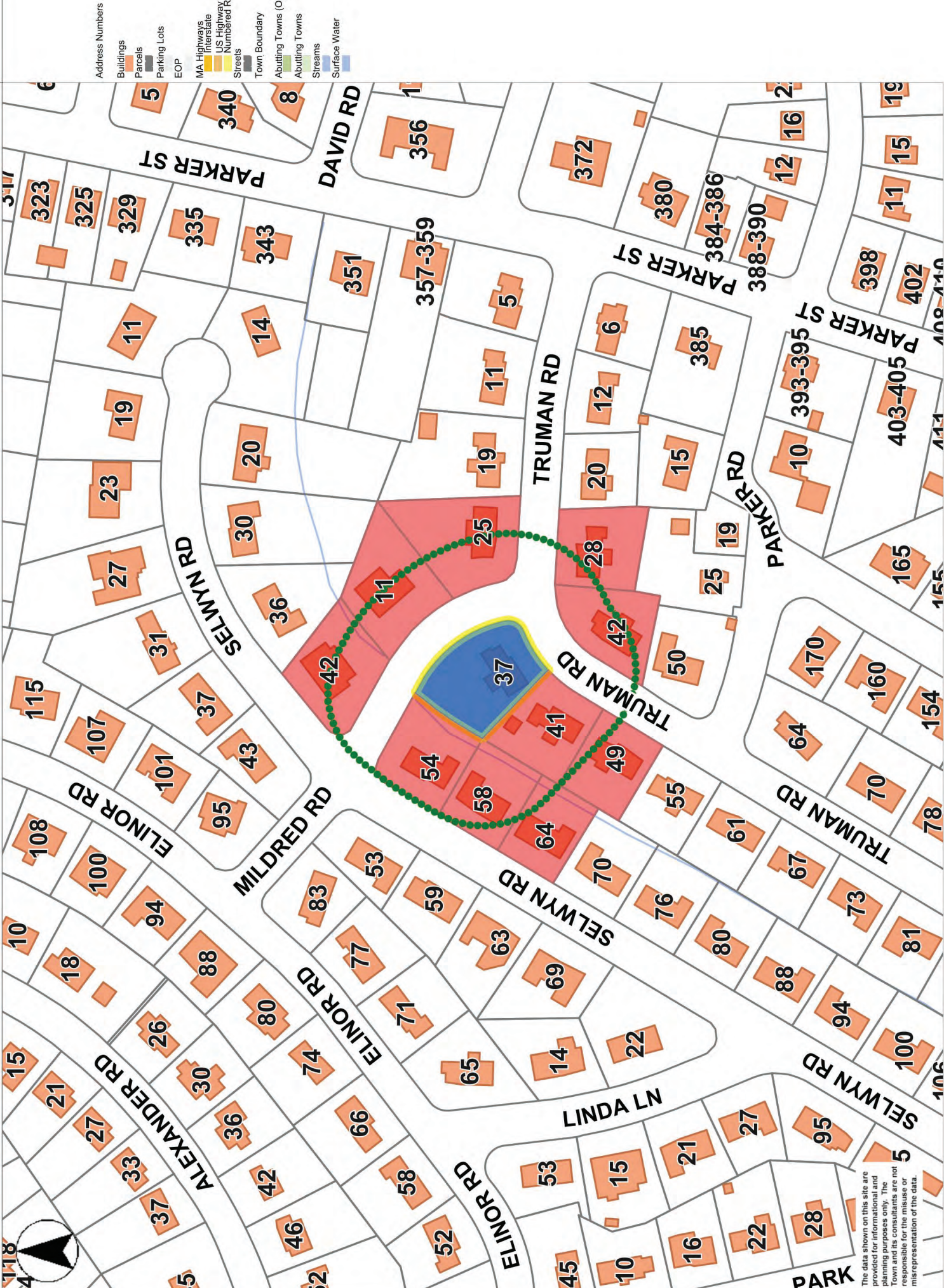
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Owner: NAI QIANG  
Prop ID: 81-034-0029  
Prop Location: 25 TRUMAN RD Newton, MA  
Mailing Address:  
25 TRUMAN RD  
NEWTON CENTRE, MA 02459

---



- 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.