



Ruthanne Fuller
Mayor

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

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Barney S. Heath
Director

Conservation Commission Wetland Application Coversheet/Checklist

Date 12/13/2022

Fill in all white cells completely

Parcel Address Sec/Block/Lot Book & Page	111 Wells Avenue AP 84034 0002D 79495/484	Applicant name Address Email Phone	Dan Giuffrida 155 Water Street Brooklyn, NY 11201 dan@planktonenergy.com 917-723-9148		
Owner name Address Email Phone	TCD 234 MA WELLS PROPERTY LLC c/o Chris Gray Two International Place, Ste 2710 205-540-4177	Representative Address Email Phone	Marianne Diffin 2 Stafford Court Cranston, RI 02920 401-787-8831		
Legal Ad Payor	Please identify which party will pay for the Legal Ad.	Dan Giuffrida			
Wetland type	Rivers Protection Act Area	sf/cf affected	22,917 sf	Relevant Perf. Standards	10. <u>58(5)&(6)</u>
Wetland type		sf/cf affected		Relevant Perf. Standards	10. _____
Wetland type		sf/cf affected		Relevant Perf. Standards	10. _____

Components of a Complete NOI Application

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



December 13, 2022

Jennifer Steel
Chief Environmental Planner
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

RE: 111 Wells Avenue
Newton, MA 02459
Project #: 2845-004

Dear Ms. Steel:

We are submitting a Request for Determination of Applicability (RDA) for a proposed solar project located at 111 Wells Avenue in Newton, Massachusetts. The site exists today as a paved parking lot with woods and wetlands to the rear and along the eastern edge of the property. A stream, College Brook, is located to the east of the property, which drains into the Charles River roughly 1,000 feet south of the parking lot. The property is part of a larger business park, Wells Avenue Business Park, which has properties largely north and west of the property.

The project at 111 Wells Avenue involves the installation of a solar canopy over an existing parking lot. This installation will require a new transformer and switchgear, installation of steel posts for the canopy frame, and associated trenching to connect the electrical conduit from the canopies to the electrical equipment. The solar canopies will be split into three rows and will consist of approximately 1562 solar modules affixed to frames connected to the ground using approximately 31 steel posts. The solar panels will be spaced to allow for stormwater to pass through, preserving the existing stormwater pathways. The solar canopies will be high enough to allow cars to park below them but will still be below the maximum height of adjacent buildings. To protect the downstream wetland, the appropriate sediment and erosion control devices will be installed and will be confirmed with the City's Conservation Office.

A portion of the proposed work is located within a Rivers Protection Act Area associated with College Brook, as well as a 100-foot Wetland Buffer Area. However, historic aerial imagery (Figure 1) shows that the parking lot was in existence as early as March 28, 1995, which is prior to the enactment of the Rivers Protection Act on August 7, 1996. Per 310 CMR 10.58(5) and 310 CMR 10.58(6), it is our belief that a Notice of Intent will not be required for this project as all disturbance will take place within the existing parking lot area which was installed prior to the creation of the Rivers Protection Act and the proposed activities appear to be exempt.



Figure 1 – Aerial Photography of Site Dated March 28, 1995 from Google Earth

It is anticipated that this installation will yield only a net benefit to the area with minimal impacts to the existing environment by providing shade to an existing parking lot while also contributing energy to the local electrical grid. If you have any further questions on this matter, please feel free to contact me at your earliest convenience.

Sincerely,
DiPrete Engineering Associates, Inc


Marianne Diffin
Assistant Project Manager
mdiffin@diprete-eng.com



November 18, 2022

Dominic Warren
City of Newton
Office of the City Council
1000 Commonwealth Avenue
Newton, MA 02459

RE: 57, 85, and 111 Wells Avenue
Newton, MA 02459
Project #: 2845-004

Dear Mr. Warren:

We are seeking relief from the Deed Restriction imposed on Wells Avenue to allow for the construction and use of solar canopies at 57, 85, and 111 Wells Avenue. After consulting with the City it was determined that this project would need to file a Special Permit in order to memorialize the request for relief and allow the Land Use Committee to review the project. It is our understanding that this filing is not a zoning requirement, but strictly a requirement of the deed restriction.

The proposed solar canopies consist of solar panels affixed to frames that will be connected to the ground through steel posts. These solar canopies will be high enough to allow cars to park below them but will still be below the maximum height of adjacent buildings. The solar panels will also be spaced to allow for stormwater to pass through, preserving the existing stormwater pathways. Any disturbances caused by the installation of these solar canopies will be repaired back to their existing condition. It is anticipated that these installations will yield only a net benefit to each site, with each canopy providing shade to the parking areas they will be servicing and energy to the adjacent buildings while making a negligible impact on the surrounding environment.

The project at 57 Wells Avenue involves the installation of a solar canopy on an existing parking deck. The solar canopy will consist of approximately 755 solar panels that will service the existing building and utilize existing electrical infrastructure for connection. Trenching will not be required for this installation. There are some trees along the parking deck that will require trimming to prevent the overhang from shading the solar panels.

The project at 85 Wells Avenue involves the installation of a solar canopy over a portion of an existing parking lot. The solar canopy will consist of approximately 1,476 solar panels that will service the existing building. Trenching will be required for this installation to connect the panels to the existing electrical infrastructure and steel posts will need to be installed to support the canopy frame. All disturbance required for the installation of the solar canopy will take place within the existing parking lot areas and no net increase in the impervious area is anticipated. A few of the posts required to support a small portion of the canopy will be located within the 100' Wetland Buffer. After discussions with the Environmental Planner, it is anticipated that the disturbance required for the installation of these posts will be minimal and not result in impacts to the adjacent wetland. To protect the downstream wetland, the appropriate sediment and erosion control devices will be installed and will be confirmed with the City's Conservation Office.

The project at 111 Wells Avenue involves the installation of a solar canopy over a portion of an existing parking lot. The solar canopy will consist of approximately 1515 solar panels that will partially service the building at 85 Wells Avenue with the remainder of the energy generated being transferred into the local electrical grid. A portion of the installation for the project at 111 Wells Avenue will take place within a Rivers Protection Act Area, which triggers the need for a Request for Determination of Applicability. However, it is anticipated that a Notice of Intent will not be required for this project as all disturbance will take place within the existing parking lot area which was installed prior to the creation of the Rivers Protection Act and the proposed activities appear to be exempt. This installation will require a new transformer, installation of steel posts for the canopy frame, and associated trenching to connect the electrical conduit from the canopies to the transformer. To protect the downstream wetland, the appropriate sediment and erosion control devices will be installed and will be confirmed with the City's Conservation Office.

The installation of solar canopies at 57, 85, and 111 Wells Avenue yields a net benefit to the Wells Avenue Business Park and the overall Wells Avenue development area with minimal impacts on the surrounding environment. If you have any further questions on this matter, please feel free to contact me at your earliest convenience.

Sincerely,
DiPrete Engineering Associates, Inc.

A handwritten signature in grey ink, appearing to read 'M Diffin', with a stylized flourish at the end.

Marianne Diffin
Assistant Project Manager
mdiffin@diprete-eng.com



WPA Form 1- Request for Determination of Applicability

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

A. General Information

Important:

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



1. Applicant:

Name _____		E-Mail Address _____	
Mailing Address _____			
City/Town _____		State _____	Zip Code _____
Phone Number _____		Fax Number (if applicable) _____	

2. Representative (if any):

Firm _____			
Contact Name _____		E-Mail Address _____	
Mailing Address _____			
City/Town _____		State _____	Zip Code _____
Phone Number _____		Fax Number (if applicable) _____	

B. Determinations

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

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

Name of Municipality

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



WPA Form 1- Request for Determination of Applicability

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C. Project Description

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

Street Address

City/Town

Assessors Map/Plat Number

Parcel/Lot Number

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

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

Title

Date

Title

Date

Title

Date

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

The panels will be gapped to allow stormwater to pass through.



C. Project Description (cont.)

- b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).
3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.
- Single family house on a lot recorded on or before 8/1/96
 - Single family house on a lot recorded after 8/1/96
 - Expansion of an existing structure on a lot recorded after 8/1/96
 - Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
 - New agriculture or aquaculture project
 - Public project where funds were appropriated prior to 8/7/96
 - Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
 - Residential subdivision; institutional, industrial, or commercial project
 - Municipal project
 - District, county, state, or federal government project
 - Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.
- b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



WPA Form 1- Request for Determination of Applicability

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

D. Signatures and Submittal Requirements

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

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

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

Name and address of the property owner:

Name

Mailing Address

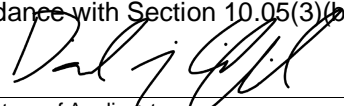
City/Town

State

Zip Code

Signatures:

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



Signature of Applicant

Date



Signature of Representative (if any)

11/17/2022

Date