



Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
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Barney S. Heath  
Director

**Conservation Commission Wetland Application Coversheet/Checklist**

Date 2/14/23

Fill in all white cells completely

|                       |  |                                 |                  |
|-----------------------|--|---------------------------------|------------------|
| <b>Parcel</b>         | <b>Applicant name</b>                                  | Same as Owner                   |                  |
| Address               | Address  |                                 |                  |
| Sec/Block/Lot         | Email  |                                 |                  |
| Book & Page           | Phone  |                                 |                  |
| <b>Owner name</b>     | <b>Representative</b>                                  | Wendell Phillips                |                  |
| Address               | Address  | 8 Lantern Lane Milford, MA      |                  |
| Email                 | Email  | wendelltp@hotmail.com           |                  |
| Phone                 | Phone  | 508 369 7065                    |                  |
| <b>Legal Ad Payor</b> | Please identify which party will pay for the Legal Ad. |                                 | Wendell Phillips |
| <b>Wetland type</b>   | <b>sf/cf affected</b>                                  | <b>Relevant Perf. Standards</b> | 10.58(4)(a+b)(5) |
| River front           | 10,605sf   | Relevant Perf. Standards        | 10. _____        |
| <b>Wetland type</b>   | <b>sf/cf affected</b>                                  | Relevant Perf. Standards        | 10. _____        |
| <b>Wetland type</b>   | <b>sf/cf affected</b>                                  | Relevant Perf. Standards        | 10. _____        |

Components of a Complete NOI Application

|  |   |
|--|---|
| <b>State Form: NOI Form 3</b>                          | Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |
| <b>Engineered Plan* title(s)</b>                       | 50 Grace Rd Newton  |
| Plan date  | 2/14/23   |
| Plan stamped by  | Christopher Charlton  |
| *if legible, plans should be 11"x17"                   |   |
| <b>Narrative</b>                                       | Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |
| <b>Proof that all relevant perf. standards are met</b> | Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |
| <b>Locus map</b>                                       | Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |
| <b>Delineation lines (backup material)</b>             | Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |
| <b>Fees</b>  |   |
| ● Fee Transmittal form                                 | Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |
| ● City portion of state filing fee \$307.50            | Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |
| ● City's separate filing fee \$50                      | Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |
| <b>Abutter Information</b>                             |   |
| ● Certified abutters list (within 100')                | Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |
| ● Newton's Abutter notification form                   | Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |
| ● Affidavit & proof -- bring to hearing                | Present them at the hearing   |
| <b>Other Attachments, e.g.</b>                         |   |
| <b>Planting Plan</b>                                   | Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable |
| <b>Floodplain analysis</b>                             | Included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable |
| <b>Stormwater analysis</b>                             | Included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable |
| <b>Riverfront Area Alternatives Analysis</b>           | Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable |
| <b>Restoration or mitigation summary</b>               | Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable |
| <b>Phasing/Sequencing plan, O&amp;M plan, etc.</b>     | Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable |

### Conservation Commission Wetland Permit Process

| RDA | NOI  | Steps in Permitting Process   |
|-----|--|---|
| 1.  | 1.   | <b>Get a certified list of all abutters within 100' of property lines from the Newton Assessor's Office.</b>  |
|     | 2.   | <b>Submit applications by noon of the Tuesday deadline (16 days before the desired hearing) to:</b>   |
|     | a.   | <b>Newton Conservation Commission:</b>  |
|     |  | <ul style="list-style-type: none"> <li>• <b>Complete NOI or RDA application packet via electronic submission through NewGov.</b><br/>For NOIs use the application checklist to ensure completeness.</li> <li>• <b>Application coversheet, state forms, narrative, photocopies of checks, ALL attachments</b></li> <li>• <b>Plans (11"x17" format, if legible) stamped by engineer if any aspect of the project requires engineering.</b></li> <li>• <b>Application fees via mail to Newton Conservation Office, 1000 Commonwealth Ave., Newton, MA 02459.</b><br/>For NOIs use the application checklist to ensure completeness.</li> <li>• <b>Check to City of Newton for city portion of the state filing fee</b></li> <li>• <b>\$50 check to City of Newton for city filing fee</b></li> </ul> |
|     | b.   | <b>Mass DEP Northeast Regional Office: Wetlands Division, 150 Presidential Way, Woburn, MA 01801 (1 paper copy)</b>   |
|     |  | <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>  |
|     | c.   | <b>DEP Lock Box: Box 4062, Boston MA 02211</b>  |
|     |  | <ul style="list-style-type: none"> <li>• <b>Check to Commonwealth of Mass. for state portion of the state fee AND Fee transmittal form</b></li> </ul>   |
|     |  | <i>The Conservation Agent will determine application completeness and assign a public hearing/meeting date and time.</i>  |
|     | 3.   | <b>Once you have the date and time of the hearing, using the City's "Notification to Abutters Form", 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. 2 weeks in advance of the public hearing, stake all proposed structures, erosion control barriers, stormwater systems, etc. within Con Com jurisdiction.</b>  |
|     |  | <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>  |
| 2.  | <b>Applicants may submit revised materials (via NewGov) by the Tuesday prior to the meeting (to be reviewed and discussed at the meeting) or may request a continuation to a future Conservation Commission meeting.</b>   |   |
| 3.  | <b>Attend the public hearing/meeting. The applicant or representative is expected to provide proof of abutter notification, briefly present the project, and answer any questions about possible impacts on wetlands. At the end of the hearing, the Con Com will either:</b>  |   |
|     | <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 (OOC)</b> 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> |   |
| 4.  | <b>Receive and read the decision and understand the conditions. Contact the Con Com if you have any questions. Some conditions are temporary (such as maintaining erosion controls), and some are perpetual (such as maintaining restoration planting areas or limiting the use of fertilizers and outdoor lighting).</b>  |   |
|     | <b>Wait-out the 10-Day appeal period. A decision of the Con Com can be appealed to MassDEP by any abutter, applicant, or 10-citizen group within 10 business days of the decision.</b>   |   |
|     | <b>Record the Order at the Registry of Deeds. Provide proof of recording to the Conservation office.</b>   |   |
|     | <b>Install MassDEP file number sign and erosion controls.</b>  |   |
|     | <b>Schedule and attend a pre-construction site visit. Contact the Conservation office to schedule the site visit.</b>  |   |
|     | <b>Execute the project. The project must be completed within 3 years, unless an extension of the permit is issued.</b>   |   |
|     | <b>Request a Certificate of Compliance (COC) via NewGov. Once the project is complete and all conditions have been satisfied, request a COC from the Conservation office by submitting: (1) DEP Form 8a, (2) a stamped as-built plan, and (3) a letter from the engineer stating that everything is in substantial compliance with the approved plans and OOC.</b>                     |   |
|     | <i>The Con Com will perform a site visit to ensure compliance, and will issue a COC if appropriate.</i>  |   |
|     | <b>Record the Certificate of Compliance (COC) at the Registry of Deeds to remove the cloud from the title. Provide proof of recording to the Conservation office.</b>  |   |



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

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

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

50 Grace Road

a. Plan Title

Spruhan Engineering

b. Prepared By

02/14/2023

d. Final Revision Date

Chris Charlton

c. Signed and Stamped by

1" equals 10'

e. Scale

f. Additional Plan or Document Title

g. Date

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

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

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

8.  Attach NOI Wetland Fee Transmittal Form

9.  Attach Stormwater Report, if needed.

**E. Fees**

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

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

305 and 306

2. Municipal Check Number

307

4. State Check Number

Wendell

6. Payor name on check: First Name

2/14/23

3. Check date

2/14/23

5. Check date

Phillips

7. Payor name on check: Last Name



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

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

- 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.



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

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

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

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

- (d)  Vegetation cover type map of site

- (e)  Project plans showing Priority & Estimated Habitat boundaries

- (f) OR Check One of the Following

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

2.  Separate MESA review ongoing.

a. NHESP Tracking # \_\_\_\_\_

b. Date submitted to NHESP \_\_\_\_\_

3.  Separate MESA review completed.

Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

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

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

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

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

North Shore - Hull to New Hampshire border:

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

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

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

- c.  Is this an aquaculture project?

- d.  Yes     No

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



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|                             |
|-----------------------------|
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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

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

12/09/2022  
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\*

- 1.  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

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

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

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

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



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**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 _____<br>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 _____<br>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<br>1. cubic yards dredged _____ |  |
| l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage | 1. square feet _____  |  |

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

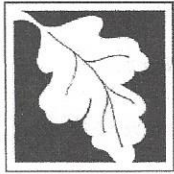
a. square feet of BVW \_\_\_\_\_

b. square feet of Salt Marsh \_\_\_\_\_

5.  Project Involves Stream Crossings

a. number of new stream crossings \_\_\_\_\_

b. number of replacement stream crossings \_\_\_\_\_



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

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

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

| Resource Area  | Size of Proposed Alteration         | Proposed Replacement (if any) |
|--|-------------------------------------|-------------------------------|
| d. <input type="checkbox"/> Bordering Land Subject to Flooding | 1. square feet                      | 2. square feet                |
|  | 3. cubic feet of flood storage lost | 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.  Riverfront Area  
 Sawmill Brook (Inland)  
 1. Name of Waterway (if available) - **specify coastal or inland**

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: 10,646 square feet

4. Proposed alteration of the Riverfront Area:

|                      |                               |  |
|----------------------|-------------------------------|--|
| <u>2,934.71</u>      | <u>0</u>                      | <u>2,934.71</u>                            |
| a. total square feet | b. square feet within 100 ft. | c. square feet between 100 ft. and 200 ft. |

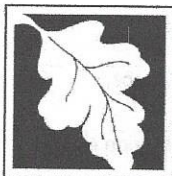
5. Has an alternatives analysis been done and is it attached to this NOI?  Yes  No

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.





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**A. General Information** (continued)

6. General Project Description:

Tear down existing home and build new

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:

a. County

b. Certificate # (if registered land)

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.



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**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):

50 Grace Road

a. Street Address

Newton

b. City/Town

02459

c. Zip Code

Latitude and Longitude:

82

f. Assessors Map/Plat Number

42.298

d. Latitude

-71.176

e. Longitude

39B

g. Parcel /Lot Number

2. Applicant:

Armando

a. First Name

Petruzziello

b. Last Name

Northern Lights Development

c. Organization

555 High St, Unit 101

d. Street Address

Westwood

e. City/Town

MA

f. State

02090

g. Zip Code

781-329-2111

h. Phone Number

i. Fax Number

armando@northernlightsdev.com

j. Email Address

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

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Wendell

a. First Name

Phillips

b. Last Name

c. Company

8 Lantern Ln

d. Street Address

Milford

e. City/Town

MA

f. State

01757

g. Zip Code

508-369-7065

h. Phone Number

i. Fax Number

wendelltp@hotmail.com

j. Email address

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

\$750

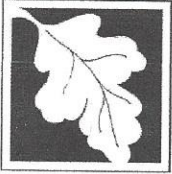
a. Total Fee Paid

\$362.50

b. State Fee Paid

\$387.50

c. City/Town Fee Paid



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

|                             |
|-----------------------------|
| Provided by MassDEP:        |
| MassDEP File Number         |
| Document Transaction Number |
| Newton                      |
| City/Town                   |

# WPA Form 3 – Notice of Intent

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

## 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.

|  |   |
|--|---|
| <p><u>Armando Pellegrino</u><br/>1. Signature of Applicant</p>   | <p><u>2/14/23</u><br/>2. Date</p>             |
| <p><u>Wendell Phillips</u><br/>3. Signature of Property Owner (if different)<br/>5. Signature of Representative (if any)</p> | <p><u>2/14/23</u><br/>4. Date<br/>6. Date</p> |

**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  
**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:**

50 Grace Road  
 a. Street Address  
 Newton  
 b. City/Town  
 c. Check number  
 d. Fee amount

**2. Applicant Mailing Address:**

Armando  
 a. First Name  
 Petruzziello  
 b. Last Name  
 Northern Lights Development  
 c. Organization  
 555 High St., Unit 101  
 d. Mailing Address  
 Westwood  
 e. City/Town  
 MA  
 f. State  
 02090  
 g. Zip Code  
 781-329-2111  
 h. Phone Number  
 i. Fax Number  
 armando@northernlightsdev.com  
 j. Email Address

**3. Property Owner (if different):**

a. First Name  
 b. Last Name  
 c. Organization  
 d. Mailing Address  
 e. City/Town  
 f. State  
 g. Zip Code  
 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 |
|-------------------------|-----------------------------|--------------------------------|------------------------------|
| New Construction        | 1                           | 500                            | \$750                        |
|                         |                             |                                |                              |
|                         |                             |                                |                              |
|                         |                             |                                |                              |
|                         |                             |                                |                              |
|                         |                             |                                |                              |
|                         |                             |                                |                              |
|                         |                             |                                |                              |

**Step 5/Total Project Fee:** \_\_\_\_\_

**Step 6/Fee Payments:**

|                                 |                                      |
|---------------------------------|--------------------------------------|
| Total Project Fee:              | <u>\$750</u>                         |
| State share of filing Fee:      | <u>\$362.50</u>                      |
| City/Town share of filling Fee: | <u>\$387.50</u>                      |
|                                 | a. Total Fee from Step 5             |
|                                 | b. 1/2 Total Fee <b>less</b> \$12.50 |
|                                 | c. 1/2 Total Fee <b>plus</b> \$12.50 |

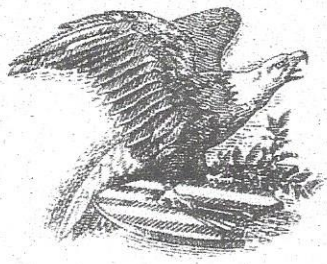
**C. Submittal Requirements**

- 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.)



**PHILLIPS LUXURY HOMES CORPORATION**

8 LANTERN LANE  
MILFORD, MA 01757

305

53-447/113  
470

Date 2/14/2023



**PAY to the**  
Order of

City of Newton

\$ 50.00

Fifty <sup>00</sup>/<sub>100</sub>

Dollars

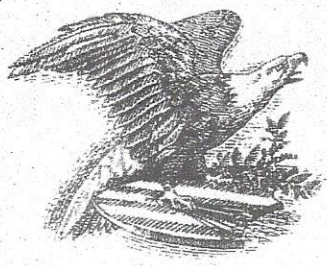


**ROCKLAND TRUST**

FOR NOI City Filing Fee, Grace Rd

Wendell Phillips

⑈000305⑈ ⑆011304478⑆ 7470011177⑈



**PHILLIPS LUXURY HOMES CORPORATION**

8 LANTERN LANE  
MILFORD, MA 01757

306

53-447/113  
470

Date 2/14/2023



**PAY to the**  
Order of

City of Newton

\$ 387.50

three hundred eighty seven - <sup>50</sup>/<sub>100</sub> Dollars

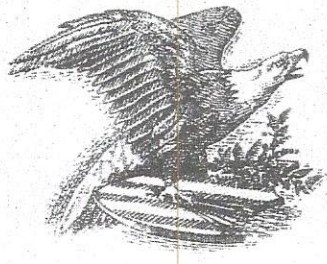


**ROCKLAND TRUST**

FOR NOI City Fee Grace Rd

Wendell Phillips

⑈000306⑈ ⑆011304478⑆ 7470011177⑈



**PHILLIPS LUXURY HOMES CORPORATION**

8 LANTERN LANE  
MILFORD, MA 01757

307

53-447/113  
470

Date 2/14/2023



**PAY to the**  
Order of

Commonwealth of Massachusetts

\$ 362.50

three hundred sixty two - <sup>50</sup>/<sub>100</sub> Dollars

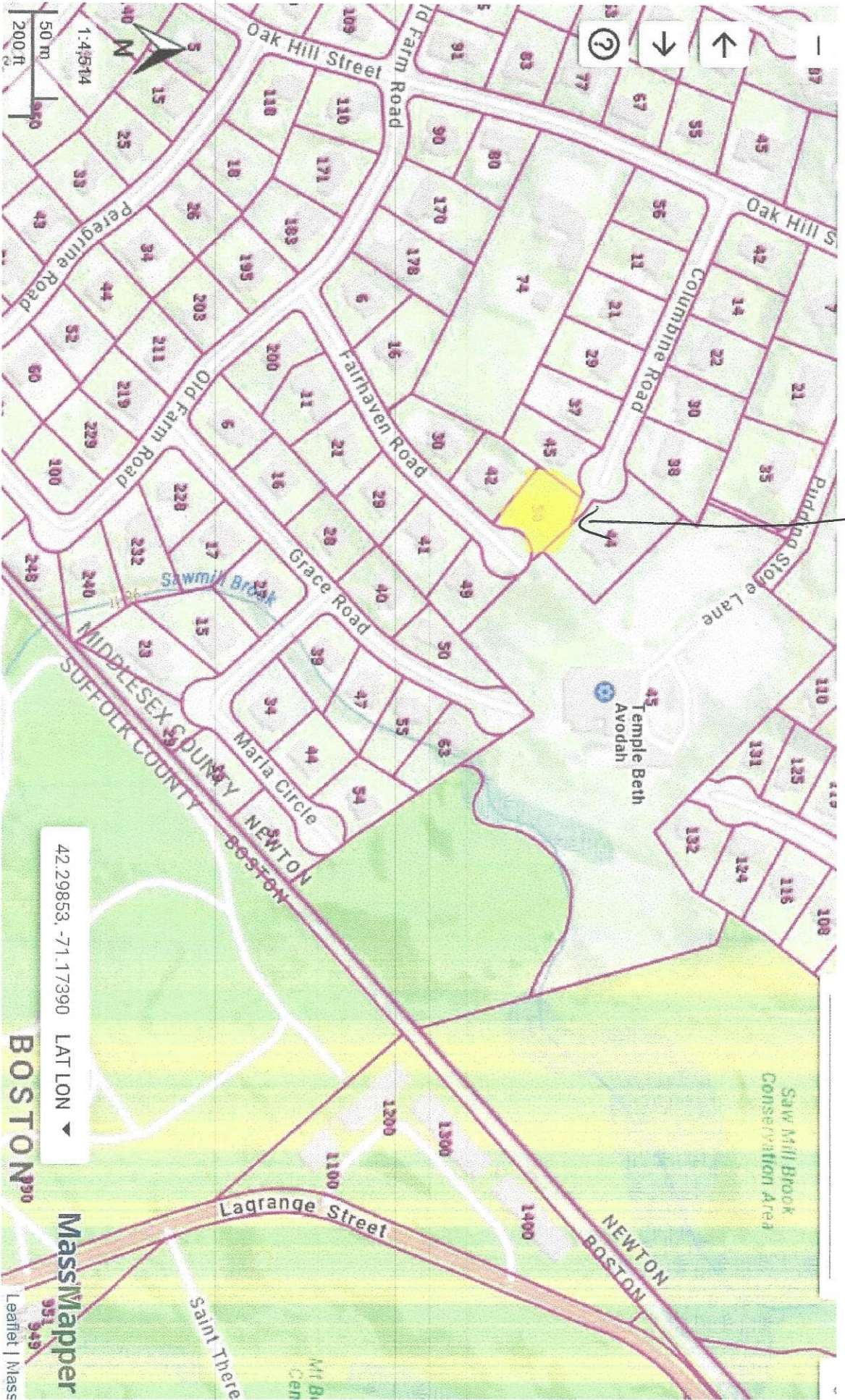


**ROCKLAND TRUST**

FOR NOT State Fee Grace Rd

Wendell Phillips

⑈000307⑈ ⑆011304478⑆ 7470011177⑈



50 Grace St

42.29853, -71.17390

LAT LON

BOSTON

MassMapper

Leaflet | Mass

## City of Newton, MA Abutters Report

**100ft. Abutters of Property 82039B0001  
at 50 GRACE RD**

Please be aware that the abutters list reflects mailing address for the real estate tax bills as requested by the property owners. Mortgage companies, banks and other financial institutions may be receiving the notification and not the homeowner as required. Please be sure you are complying with notification requirements. Property data updated 11/14/2018.

| Abutter                       | Site Address        | Property ID | Owner Address   |
|-------------------------------|---------------------|-------------|---|
| ASPEL ANDREW D                | 39 GRACE RD         | 82039 0032  | ASPEL ANDREW D<br>39 GRACE RD<br>NEWTON, MA 02459                         |
| FEUERMAN LAURA A & CARY N TRS | 47 GRACE RD         | 82039 0033  | FEUERMAN LAURA A & CARY N TRS<br>47 GRACE RD<br>NEWTON, MA 02459          |
| SABLE JOEL TR                 | 55 GRACE RD         | 82039 0034  | SABLE JOEL TR<br>55 GRACE RD<br>NEWTON CENTRE, MA 02459                   |
| CENTOLELLA PAUL A             | 63 GRACE RD         | 82039 0035  | CENTOLELLA PAUL A<br>63 GRACE RD<br>NEWTON, MA 02459                      |
| KARP IAN A & NICOLE L         | 40 GRACE RD         | 82039B0002  | KARP IAN A & NICOLE L<br>40 GRACE RD<br>NEWTON, MA 02459                  |
| JABBOUR SALIM M & HILDA TRS   | 41 FAIRHAVEN RD     | 82039B0010  | JABBOUR SALIM M & HILDA TRS<br>41 FAIRHAVEN RD<br>NEWTON CENTRE, MA 02459 |
| PISICK ALISSA                 | 49 FAIRHAVEN RD     | 82039B0011  | PISICK ALISSA<br>49 FAIRHAVEN RD<br>NEWTON, MA 02459                      |
| TEMPLE BETH AVODAH            | 45 PUDDING STONE LA | 82041 0007  | TEMPLE BETH AVODAH<br>45 PUDDING STONE LA<br>NEWTON, MA 02459             |



**Notification to Abutters under the  
Massachusetts Wetlands Protection Act and  
Newton Wetlands Protection Ordinance  
(to be provided 7 days prior to the public hearing)**

In accordance with the Massachusetts Wetlands Protection Act (MGL Ch. 131, Sec. 40) and the Newton Floodplain Protection Ordinance (Sec. 22-22. Floodplain/Watershed Protection Provisions), you are hereby notified of the following.

The applicant has filed a **Wetlands Protection Act Notice of Intent** with the Newton Conservation Commission.

Applicant: 50 Grace Rd Investment LLC

Project Location: 50 Grace Road

Project Site Section-Block-Lot: 82-039-0001

Project Description: Demo of existing home and  
build new home.

A Public Hearing will be held remotely via Zoom.

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

The Public Hearing will be held remotely on (date and time): \_\_\_\_\_

The Zoom link for the public hearing will be posted on the Conservation Commission website "Meeting Documents" tab 48 hours in advance of the hearing (<https://www.newtonma.gov/government/planning/boards-commissions/conservation-commission/meeting-documents>).

Printed notice will be published in the Boston Herald at least five (5) days in advance of the hearing.

**Copies of the Notice of Intent:**

Can be found on the Newton Conservation Commission's website "Meeting Documents" tab: <https://www.newtonma.gov/government/planning/boards-commissions/conservation-commission/meeting-documents>

Can be requested from the Northeast Regional Office of the Department of Environmental Protection by calling 978-694-3200.

**Questions can be directed to:**

The Newton Conservation Commission by calling 617-796-1134 or emailing [jsteel@newtonma.gov](mailto:jsteel@newtonma.gov) or [emenounos@newtonma.gov](mailto:emenounos@newtonma.gov).

**AFFIDAVIT OF SERVICE**

**Under the Massachusetts Wetlands Protection Act**

I, Wendell Phillips hereby certify under the pains and  
*name*  
penalties of perjury that on \_\_\_\_\_ I gave notification to abutters in  
*date*  
compliance with the second paragraph of the Massachusetts General Laws, Chapter 131,  
Section 40 and the DEP Guide to Abutter Notification in connection with the following  
matter:

A(n) NOT application was filed under the Massachusetts Wetlands Protection  
Act by 50 Grace Investment LLL with the Newton Conservation Commission on  
*name*  
2/14/23 for a property located at 50 Grace Rd  
*Date* *address*

The form of notification and the list of abutters to whom it was given and their addresses  
are attached to this Affidavit of Service.

\_\_\_\_\_  
*signature*

\_\_\_\_\_  
*date*

**50 Grace Investment LLC.  
Contact Wendell Phillips  
Cell: 508-369-7065**

**Site:** 50 Grace Rd

**Subject:** Notice of Intent

**Name Of Plan Set:** Civil Plan

**Existing Order of Conditions:** Issued 12/23/2016 set to expire 3/28/2024 DEP#239-772

**Date:** 2/14/2023

Newton Conservation Commission,

A Notice of Intent has been filed through the online permitting system with the town of Newton. A copy of the application as well as applicable filing fees were sent by certified mail to the Mass DEP Northeast Regional Office. We look forward to discussing the details of the project with the commission at their upcoming March 2, 2023, meeting.

**Documents Submitted:**

- 1) Newton Wetland Application Cover Sheet
- 2) WPA Form 3
- 3) NOI Wetland Transmittal Form
- 4) Narrative – project description and performance standards/alternative analysis
- 5) Plans – locus map, site plan, planting plan
- 6) Abutters – list and notification form
- 7) Affidavit of Service – to be submitted once abutters are notified
- 8) Filing Fees, and \$50 city fee

**Project Description:**

The site contains 15,061 sq ft., of which 10,605 sq ft., or 70% of the site is located within the 200 foot riverfront area to Sawmill Brook. No portion of the lot is located within the 100' buffer. There is an existing Order of Conditions for the demolition of the existing house at 50 Grace Road and construction of a new residence. This Order of Conditions is set to expire on March 28, 2024. Recently, the property was purchased by 50 Grace Investment LLC. The new owner has put together a revised set of plans to demolish the existing home and build a new home that has a slightly different footprint than what was approved under the existing Order of Conditions. Upon discussing the details of the project with Conservation Agent Steele, she recommended the filing of a new Notice of Intent rather than a request to amend the existing order.

The demo phase of the project will be unchanged. A complete demo of the existing house and foundation will occur. All debris will be removed from site. Excavation work will take place to expand the dimensions of the current foundation footprint. There will be no work occurring inside the 100'

riverfront area. The majority of construction activity will be located over 150 feet from the riverfront and the foundation will be situated outside the 150 foot riverfront area. Existing impervious area on the site is 3,311.64 square feet. This includes the driveway, walk, steps, stone wall, and roof. Currently there are no systems in place to collect any of the runoff. Construction will consist of a new home, permeable paver patio, front walk, steps, driveway, landscaping, and a modern stormwater management system that will significantly reducing the amount of runoff from the site. The system capacity has been designed to handle a 100 year storm event. Final site grading will slightly reduce the slope towards the riverfront.

### **Wetland Delineation**

The bank of Sawmill Creek was flagged by Russ Waldron of Applied Ecological sciences and field located on March 16, 2016. This is the same boundary used on the existing Order of Conditions DEP File #239-772 and approved by the City of Newton

### **Per 310 CMR 10.58 (4) and (5):**

#### **(4) General Performance Standard**

**a) Protection of Other Resource Areas:** The only protected area located near the site is the Sawmill Brook. The site is located upland from the riverfront. The footprint and scope of construction activities will be kept as limited and far from the riverfront area as possible. During construction, erosion controls and a construction entrance mat will be utilized to prevent runoff from entering the river. There is little existing vegetation on site to act as filtration and reduce pollutant load in runoff. However, the proposed methods of stormwater collection will be very impactful for assuring protection of water quality. There are storm drains located on the street in front of the property. Presently, runoff from the property is directed into the street towards the storm drains which likely tie into local bodies of water. Construction plans will direct runoff into 5 storm tech units designed to handle a 100 year storm event. On December 17<sup>th</sup> 2022, a test pit was dug on site and found sandy/loam soil texture. No ground water was observed. Site conditions are ideal for optimum functioning of these chambers. Once runoff and its associated contaminant load is captured it, will slowly be released into the ground and naturally filtered through the soils and also serve to provide ground water recharge. These chambers are located approximately 165' from the riverfront area, providing significant distance for filtration to occur as the ground water migrates towards the river.

The project will have no adverse impact on the resource area. As mentioned above the storm tech units will serve to protect the public water supply and ground water, while reducing water surges during storms to limit flooding and damage. There will be selective removal of 5 trees randomly distributed near the existing house. These trees are small and several are in poor health. Cutting of these trees will provide little to no disruption of wildlife habitat. An area of the lot will be reserved for restoration plantings. These plantings will have far more benefit and provide a substantial increase in wildlife habitat. This will be discussed in more detail later in the report. Site plans call for no construction of fences or walls anywhere on the property whether it be inside or outside the riverfront area. This will

be beneficial as there will be no obstructions hampering the movement of wildlife in and out of the riverfront area.

**b) Protection of Rare Species:** The project is not located within a habitat area as described in the Natural Heritage Habitat Mapping or in the proximity of a vernal pool.

**c) Practicable and Substantially Equivalent Economic Alternatives:** Per Massachusetts Wetland Protection Act 10.58(4)(c): "There must be no practicable and substantially equivalent economic alternative to the proposed project with less adverse effects on the interests identified in the Act."

The purpose of this project is to construct a larger single-family home to satisfy the demand for modern and environmentally friendly housing in the town. The lot is odd shaped and has a very tight buildable area. Given the unique shape of the lot there are no other options for locating the house. The current plans represent the maximum distance the house can be located away from the riverfront and the maximum distance possible the driveway can be located from the riverfront. The rear patio will be entirely located outside the 200' riverfront area and constructed with permeable pavers. There are no other means or alternatives to achieve the desired project goals that will better protect the interests of the Wetlands Protection Act.

- a) **Costs** – The limited buildable footprint means there are no alternative ways to build. There are no more or less costly ways to design the project that would have a lessor impact on the resource area.
- b) **Existing Technology** – The plans implement the latest technology to manage runoff from the site. Permeable pavers will be used in the patio (which is located outside the 200' riverfront). All roof and driveway runoff will be collected via downspouts and channel drains and captured in 5 storm tech units located under the driveway.
- c) **Proposed Use** – Use of the property will remain unchanged, single-family residence.
- d) **Logistics** – Zoning of the area will only allow the site to be used as a single-family home. This usage has the least potential for negative impacts on the resource area.

**(5) 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."

**a) Improvement Over Existing Conditions:** Currently the site contains 3,311.16 square feet of impervious surface with no system in place to capture and filter the runoff. Of this, 2,480.33 square feet is within the 200 foot riverfront zone. This impervious area is especially problematic for the driveway, where oil and gas are likely to contaminate rainwater. This runoff is carried into the street area and towards storm drains and the riverfront. The current landscaping is pitched towards the riverfront and poorly maintained grass and plantings offer little filtration and minimal stabilization of soils.

Proposed construction plans will expand impervious area by only 454.38 square feet. However, under the proposed plans runoff from the roof and driveway will be captured in 5 storm tech chambers. As

the chambers control the speed the water leaches into the ground allowing for natural filtration of ground water as it migrates toward the riverfront. Directing runoff underground will greatly reduce the total volume of surface water. This significantly reduces the contaminant load surface water picks up from lawn chemicals, driveways, roofs, and roadways as it travels towards the river.

Once site work is complete landscaping, grass, and an area 900 square feet will be reserved for restoration plantings. The landscaping and lawn, once established, will provide far better soil stabilization and erosion control than existing conditions. The area dedicated for restoration plantings will be located in the far northeast corner of the lot. It will extend the existing forested area and provide significantly improved wildlife habitat compared to existing conditions. The restoration planting area will be discussed in greater detail later in this report. The net impact of the project will be a reduction in runoff, better management of stormwater and flood control, a significant enhancement in landscaping and lawn area, and a net increase of natural habitat.

**b) Stormwater Management:** To be constructed in compliance to local and state laws.

**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:** There will be no construction activities within the 100 foot 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 majority of the expansion of the new structure will be located towards the back of the lot and outside the 200 foot 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 total lot area is 15,061 square feet of which 10,605 square feet is within the 200 foot riverfront. Currently there is 2,480.33 square feet of existing impervious area. The proposed work will slightly increase the degraded area by 454.38 square feet, to a new total of 2,934.71 square feet. To compensate for this a restoration planting area of 900 square feet that will be created, extending the wood line at the northeast corner of the lot.

**(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:** The restored area will be significantly larger than the required 1 to 1 minimum. We will be restoring at an approximate ratio of 2 to 1 with 454.38 square feet of degraded riverfront being replaced by 900 square feet of replacement area as marked on the plans. The size of

restoration has been increased over the required minimum for several reasons. Given the small amount of degradation per applicable standards a replacement area of 454.38 is all that would be required. However, for purposes of aesthetics and site layout a 900 square foot planting area fits the lot better. Also per the recommendation of our landscape design architect Hilary Armour from Western Nurseries the larger area will be better suited for the long term growth of substantial and healthy plantings. The restoration area is currently bordered by a few trees. The center of the area is open lawn space with sparse, poorly maintained grass. The area is mostly flat with a minor slope towards the riverfront. Loam will be brought into the area for a coverage of between 4" and 6". The topsoil will provide nutrients and ideal conditions for establishing new vegetation. An erosion control seed mix will be used to stabilize the area and native plants will be installed.

There will be 10 trees added in this area to enhance and extend the bordering forest area. Plantings will prevent surface erosion, provide natural filtration of runoff, and greatly enhance wildlife habitat. The location was chosen because it is located within the riverfront area and is farthest from the house and other nearby homes and buildings. Placing this natural area away from the house will provide significant separation from homeowners and natural habitat. This makes the area far more valuable for serving as productive wildlife habitat. Grouping these plantings in this location will provide better wildlife habitat compared to linear planting beds and foundation plantings. They will enhance and enlarge the existing forest area, providing greater breeding grounds, nesting area, shelter, and feeding opportunities. They will be of considerable benefit to enhancing the riverfront resource area. This newly created area will serve the interests of the Wetlands Protection Act far greater than the preexisting 454.38 square feet of open space that is to be degraded. Currently, this area consists of bare dirt and lawn, small trees in poor health, and poorly maintained shrub beds and foundation plantings. It provides little to no benefit for wildlife and meager pollution control for the riverfront.

**Conclusion:** As stated in this report and supported by site plans and submitted documents, the proposed construction is in compliance with the Massachusetts Wetlands Protection Act. Appropriate measures have been outlined to protect the riverfront resource area during construction activity and enhance the site over the long term. Construction activities and all permanent structures will be located as far from the riverfront as zoning and lot configuration will allow. A restoration planting area will be utilized to mitigate the slight increase in degraded area. Once completed, this plan will provide improved wildlife habitat and far better stormwater management and pollution controls than existing conditions. The overall impact will be beneficial to the interest served by the Wetlands Protection Act.

Sincerely,

  
Wendell Phillips