

3.0 REGULATORY COMPLIANCE WITH WETLANDS PROTECTION ACT

3.1 RIVERFRONT AREA

Riverfront Area		
§ 10.58(5)	The area of land between a river’s mean annual high-water line and a parallel line measured horizontally.	
Performance Standards	Compliance	
10.58 (5)(a)	<p><i>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.</i></p>	The proposed work has been designed to utilize the existing degraded area to build the 1-story addition (open-below), 2-story addition (replaces existing garage and porch), deck (replaces a portion of the existing deck) and driveway (replaces a portion of the existing driveway.)
10.58 (5)(b)	<p><i>Stormwater management is provided according to standards established by the Department.</i></p>	Stormwater management is not required for single-family houses under the WPA.
10.58 (5)(c)	<p><i>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).</i></p>	The proposed work is not located closer to the river than existing conditions. An existing deck and staircase are located within 25-feet of the river.
10.58 (5)(d)	<p><i>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).</i></p>	All of the proposed work is within Riverfront Area. The applicant is in accordance with 310 CMR 10.58(5)(f) and (g) with proposed mitigation (see Riverfront Planting Plan attached).
10.58 (5)(e)	<p><i>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).</i></p>	The existing degraded area on-site is 1,637 sq ft and the proposed degraded area on-site is 1,844 sq ft. 10% of the total riverfront area on site is 1,052 sq ft. The proposed work is greater than 10% of the total riverfront area however the proposed work is mostly within existing degraded area. The degraded area will increase by 207 sq ft. The project is within accordance with 310 CMR 10.58(5)(f) and (g) (see Riverfront Planting Plan attached).
10.58 (5)(f)	<p><i>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</i></p>	The applicant is not proposing to restore degraded areas on site. Mitigation in the form of restoring previously developed but not degraded Riverfront Area is proposed at a 2:1 ratio (414 sq ft) (see Riverfront Planting Plan attached).

	<i>selected for restoration. Alteration not conforming to the criteria shall begin at the riverfront area boundary.</i>	
10.58 (5)(g)	<i>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.</i>	Mitigation is proposed at a 2:1 ratio of mitigation area to area of alteration (see Riverfront Planting Plan). The project is proposing 207 sq ft of new degraded area and will restore 414 sq ft of lawn to naturalized Riverfront Area.

4.0 REGULATORY COMPLIANCE WITH NEWTON’S GUIDELINES AND POLICIES

Newton’s Conservation Commission does not have a local wetland ordinance but does have a number of policies and guidance documents.

Newton’s 25-Foot Naturally Vegetated Buffer Policy		
	Requirement	Compliance
1	<i>25-Foot Naturally Vegetated Buffer (NVB Policy) - To fully protect Newton’s wetland resources, it is the policy of the Newton Conservation Commission to ensure that a 25-foot Naturally Vegetated Buffer (25-foot NVB) of native trees, shrubs, and low-growing vegetation is maintained or established to the maximum extent feasible immediately upgradient of the edge of a resource area subject to protection under the Massachusetts Wetlands Protection</i>	No work is proposed within 25-feet of any wetland resources.

5.0 CONCLUSION

In summary, Goddard Consulting believes that the project will not have any adverse impacts on the interests identified in the Wetlands Protection Act. The project has been designed with sensitivity to the resource areas on site. The proposed project meets all regulatory compliance standards under the Wetlands Protection Act and therefore, Goddard Consulting respectfully requests that the Newton Conservation Commission issue an Order of Conditions approving the proposed project.

Please feel free to contact us if you have any questions about this Notice of Intent submission.

Sincerely,
Goddard Consulting, LLC



Zoe Krouner
Wetland Scientist