



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** January 16, 2024

|  |   |  |  |
|--|---|--|--|
| <b>Parcel</b><br>Address<br>Sec/Block/Lot<br>Book & Page | 229 California Street<br>11004 / 0013                                 | <b>Applicant name</b><br>Address<br>Email<br>Phone | The Residences on the Charles, LLP<br>37 Walnut Street, Suite 110<br>Wellesley Hills, MA 02481                             |
| <b>Owner name</b><br>Address<br>Email<br>Phone           | City of Newton<br>1000 Commonwealth Ave<br>Newton Centre, MA<br>02459 | <b>Representative</b><br>Address<br>Email<br>Phone | Allen & Major Associates, Inc.<br>100 Commerce Way, Suite 5<br>Woburn, MA 01801<br>jtrainer@allenmajor.com<br>781.305.9432 |
| <b>Legal Ad Payor</b>                                    | Please identify which party will pay for the Legal Ad.                |  |  |

|                     |                 |                       |     |                                 |           |
|---------------------|-----------------|-----------------------|-----|---------------------------------|-----------|
| <b>Wetland type</b> | BLSF            | <b>sf/cf affected</b> | 350 | <b>Relevant Perf. Standards</b> | 10.57.4   |
| <b>Wetland type</b> | Riverfront Area | <b>sf/cf affected</b> | 350 | <b>Relevant Perf. Standards</b> | 10.58.4&5 |
| <b>Wetland type</b> |                 | <b>sf/cf affected</b> |     | <b>Relevant Perf. Standards</b> | 10._____  |

|  |   |
|--|---|
| <b>State Form: NOI Form 3</b>  | Included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |
| <b>Engineered Plan* title(s)</b><br>Plan date<br>Plan stamped by<br><small>*if legible, plans should be 11"x17"</small>                                  | Charles River Greenway<br>L-1 Erosion Control & Landscape Plan - Jacqueline Trainer, PLA<br>L-2 Landscape Notes and Details - Jacqueline Trainer, PLA<br>L-103.4 Forte Park Planting Plan - Ian Ramey   |
| <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 type="checkbox"/> Yes <input type="checkbox"/> No N/A  |
| <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><br>● Fee Transmittal form<br>● City portion of state filing fee \$_____<br>● City's separate filing fee \$50                                 | Included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br>Included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br>Included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| <b>Abutter Information</b><br>● Certified abutters list (within 100')<br>● Newton's Abutter notification form<br>● Affidavit & proof -- bring to hearing | Included? <input type="checkbox"/> Yes <input type="checkbox"/> No N/A<br>Included? <input type="checkbox"/> Yes <input type="checkbox"/> No<br><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   |
| <b>Floodplain analysis</b>   | Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable   |
| <b>Stormwater analysis</b>   | Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable   |
| <b>Riverfront Area Alternatives Analysis</b>   | Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable   |
| <b>Restoration or mitigation summary</b>   | Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" 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</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><br/>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><br/>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>: Wetlands Division, 150 Presidential Way, Woburn, MA 01801 (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 <b>AND Fee transmittal form</b></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>   |  |

January 16, 2024

**To:** Daniel Green, Chair  
Newton Conservation Commission  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

**A&M Project #:** 1374-23  
**Re:** Forte Park Landscape  
Screening  
California Street

**Copy:** Melissa Mintz, MDG  
Jack Englert, Criterion

---

Dear Mr. Green,

On June 17, 2020, the Zoning Board of Appeals approved a Comprehensive Permit for a proposed residential project ("Project") at 15 Riverdale Avenue. A condition of that approval required the Project's Applicant to complete certain work on City-owned property known as Forte Park ("Forte Park Improvements"). The portion of Forte Park where these improvements are located falls within water resource areas associated with the Charles River. These resource areas and certain work within these areas are regulated by the Massachusetts Wetlands Protection Act and the City Floodplain Ordinance. This Request for Determination of Applicability ("RDA") is being filed to determine if the Wetlands Protection Act and its implementing regulations at 310 CMR 10.00, or the City's Wetland Bylaw are applicable to the Forte Park Improvements.

**Existing Conditions:**

Forte Park is a recreational park with various active and passive elements. The portion of the park where the improvements will be constructed is a vegetated buffer along the easterly border of the park.

This RDA is being filed because the limit of work is located within the Bordering Land Subject to Flooding (BLSF) and the 200' Riverfront Area.

According to the Mass GIS data layers for NHESP, this site is not located within Estimated and/or Priority Habitat of Rare Wildlife and is not located in an ACEC or Outstanding Resource Water.

**Proposed Project:**

The work contemplated herein is limited to the existing vegetated buffer along the easterly property line. The work consists generally of pruning existing trees of diseased and dead wood, removing invasive weeds, removing, and replacing the existing fence along the property line, improving the buffer area with new shade, flowering, and evergreen trees, and constructing two accessible paths between Forte Park and the Project.

**Enclosed are:**

- RDA Application
- Full-size copies of the Project Plans, Stamped

**Fees**

- A check in the amount of \$50.00 made payable to the City of Newton for the RDA Application fee.

Two weeks before the public hearing, the boundaries of all resource areas will be marked on site with labeled flags. The locations of the tree installation, stone dust path, and the erosion controls will be marked with stakes or flags, using different colors and labels for different features.

One copy of the entire RDA package has been submitted to the DEP Northeast Regional Office. A&M looks forward to discussing the project at the next public hearing. Thank you for your time and consideration. If you have any questions regarding this submittal, please contact me at (781) 305-9432.

Very Truly Yours,

**ALLEN & MAJOR ASSOCIATES, INC.**

A handwritten signature in black ink, appearing to read "Jacquie Trainer". The signature is fluid and cursive, with a large initial "J" and "T".

Jacqui Trainer, PLA  
Landscape Architect | Project Manager

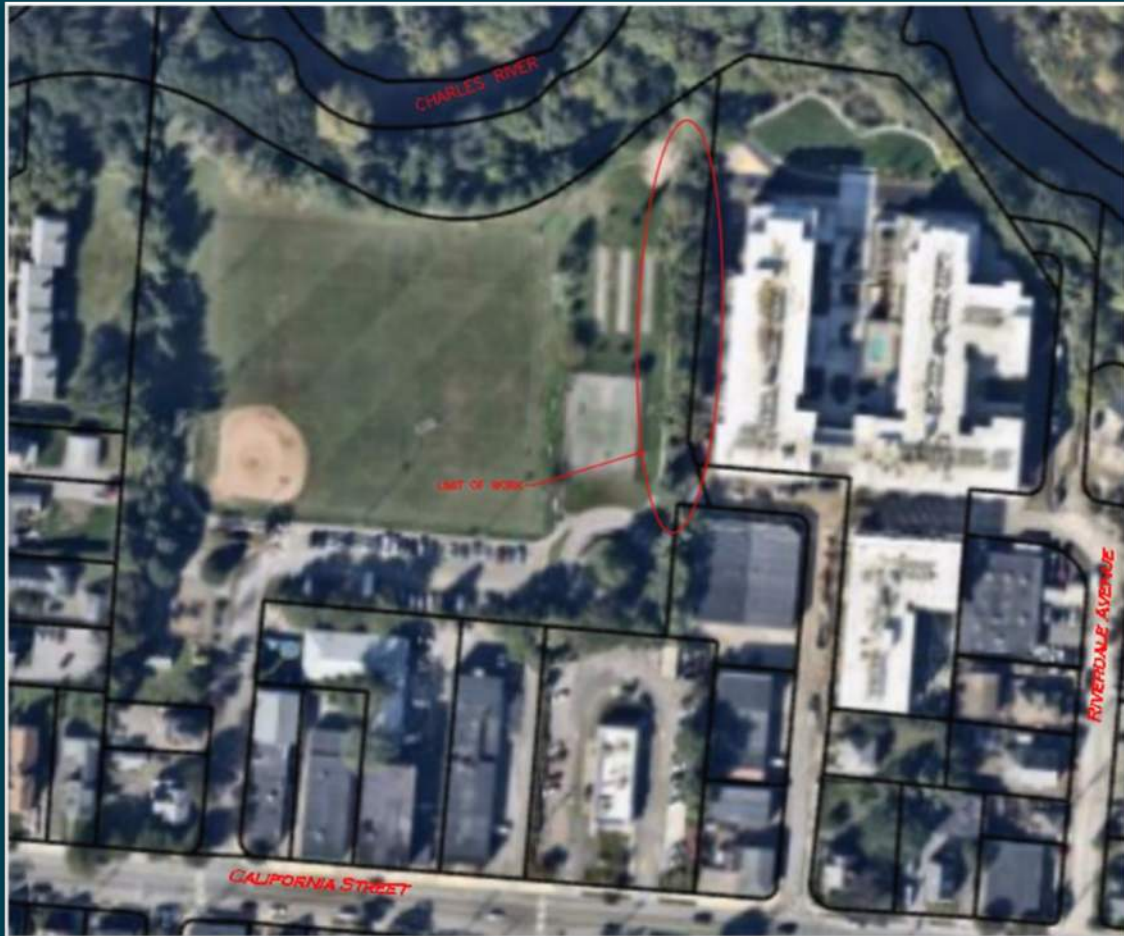
Enclosure



# REQUEST FOR DETERMINTAION OF APPLICABILITY

Forte Park Landscape Screening  
Newton, MA

Prepared: January 16, 2024



*Site Locus*

**CLIENT:**

The Residences on the Charles, LLP  
37 Walnut Street, Suite 110  
Wellesley Hills, MA 02481

**PREPARED BY:**

Allen & Major Associates, Inc.  
100 Commerce Way, Suite 5  
Woburn, Massachusetts 01801



**REQUEST FOR DETERMINATION OF  
APPLICABILITY**

Forte Park Landscape Screening  
Newton, Ma

**PROPONENT:**

The Residences on the Charles, LLP  
37 Walnut Street, Suite 110  
Wellesley Hills, MA 02481

**PREPARED BY:**

Allen & Major Associates, Inc.  
100 Commerce Way, Suite 5  
Woburn, Massachusetts 01801

**ISSUED:**

January 16, 2024

**A&M PROJECT NO.:**

1374-23



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**SECTION 1.0**  
**RDA APPLICATION**



## NARRATIVE

### Existing Conditions

The existing property is identified with the City Assessors Department as Map 11004 Parcel 0013 and owned by the City of Newton.

The subject property consists of 1 lot located at 229 California Street, Newton MA. The lot consists of Forte Park with various recreational elements.

### Proposed Work

In June 2020, the City of Newton Zoning Board of Appeals approved a Comprehensive Permit for a proposed residential project ("Project") abutting the easterly edge of Forte Park. As a condition of that approval the City required the Project's Applicant to enhance the existing vegetated buffer within the park and to provide pedestrian connectivity between the Forte Park and the Project. The improvements include:

- Pruning existing trees of diseased and dead wood.
- Removing invasive knotweed.
- Removing the existing chain link fence and replacing it with a new solid fence.
- Planting new shade, flowering, and evergreen trees along the park edge and maintaining said trees for a period of two years after planting.
- Constructing two accessible paths between the Project and the easterly edge of Forte Park.

The proposed project consists of working within a previously developed site. No proposed work falls within 50' of wetlands or within 50' to 100' of wetlands. The only area of disturbance is approximately 350 S.F. of work between 100' to 200' of Riverfront Area.

Coir logs will be installed between the area of work and the wetland buffer and the Riverfront Area protecting the resource area. The erosion control measures will run parallel to existing walkway adjacent to the Riverfront and BVW and to be installed prior to the commencement of any maintenance work.

The Forte Park buffer area was to include a total of 28 trees. If the Applicant was to use this 40-foot buffer area for construction purposes, then 28 new trees would have to be planted. In fact, the Applicant did not use the buffer area for construction and was able to maintain the 12 existing mature trees. The Applicant will plant 16 additional trees in this area, for a total of 28 existing and new trees.

Knotweed removal will be accomplished using Roundup Custom Non-Selective Liquid Herbicide for Aquatic & Terrestrial Uses with the active ingredient Glyphosate in the form of isopropyl amine salt. The product will be repeatedly painted on the stem of the plant to be carried to the root system until the plant is dead. This is done to protect the native plant life and not saturate the soil. Once the plants are dead, they will be cut down,



collected into black plastic bags, held for 2 weeks off-site and then disposed of. Soil disturbance during this effort will be minimized to protect the considerable native plants present.

### **Review of Area for Jurisdictional Resources**

As previously noted, project activities will occur within the 200-foot Riverfront Area, Bordering Land Subject to Flooding, the 100-foot buffer zone to the Bordering Vegetated Wetlands. All resource areas and buffers are associated with the Charles River. Due to the limited scope of the project, resource areas were not field delineated. A desktop analysis of environmental constraints was performed using Massachusetts Geographic Information System (MassGIS) data layers, National Flood Insurance Program (NFIP) FEMA Flood Map Service, and other publicly available data. This data was used in the preparation of this filing.

Please refer to the attached figures for additional information.

The Flood Insurance Rate Map (FIRM) (Map Number 25017C0552E for the City dated June 04, 2010, indicates that the parcel lies within the FEMA Zone AE and 0.2% Annual Chance of Flood Hazard.

### **Environmental Due Diligence**

Lastly, a review of the MassGIS on-line program MassMapper indicates that there are no Areas of Critical Environmental Concern (ACEC) on-site.

A review of the Massachusetts Natural Heritage Atlas on the MassMapper: MassGIS Online Mapping Tool demonstrates there are no estimated habitats, priority habitats, or certified vernal pools on or directly adjacent to the subject property.

### **Narrative Conclusion**

The proposed site accessibility and vegetated screening improvements within the Bordering Land Subject to Flooding and 200' Riverfront Area have been minimized to stay within the previously developed areas of the property. The area of work is located at the eastern portion of the site. Coir logs will be installed between the area of work and Bordering Vegetated Wetlands, protecting the resource area. The proposed construction will not significantly impact drainage or offsite discharges.

The applicant is seeking a negative determination of applicability.



# 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:

The Residences on the Charles, LLP

Name

E-Mail Address

37 Walnut Street, Suite 110

Mailing Address

Wellesley Hills

City/Town

MA  
State

02481  
Zip Code

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Allen & Major Associates, Inc.

Firm

Jacqui Trainer

Contact Name

jtrainer@allenmajor.com

E-Mail Address

100 Commerce Way, Suite 5

Mailing Address

Woburn

City/Town

MA  
State

01801  
Zip Code

781.305.9432

Phone Number

Fax Number (if applicable)

## B. Determinations

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

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

Name of Municipality

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



# WPA Form 1- Request for Determination of Applicability

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

## C. Project Description

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

|                            |                   |
|----------------------------|-------------------|
| <u>15 Riverdale Avenue</u> | <u>Newton</u>     |
| Street Address             | City/Town         |
| <u>11004</u>               | <u>0013</u>       |
| Assessors Map/Plat Number  | Parcel/Lot Number |

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

The western portion of the site adjacent to Forte Park

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

|   |                          |
|---|--------------------------|
| <u>L-1 Erosion Control Plan</u>         | <u>January 16, 2024</u>  |
| Title                                   | Date                     |
| <u>L-2 Erosion Control Details</u>      | <u>January 16, 2024</u>  |
| Title                                   | Date                     |
| <u>L-103.4 Forte Park Planting Plan</u> | <u>December 24, 2023</u> |
| Title                                   | Date                     |

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

The work contemplated herein is limited to the existing vegetated buffer along the westerly property line. The work consists generally of pruning existing trees of diseased and dead wood, removing invasive weeds, removing and replacing the existing fence along the property line, improving the buffer area with new shade, flowering, and evergreen trees, and constructing two accessible paths between Forte Park and the Project.



## WPA Form 1- Request for Determination of Applicability

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

### C. Project Description (cont.)

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

Approximate 350 square feet of stone dust path and planting of native trees only.

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.)

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# 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:

City of Newton

Name

1000 Commonwealth Avenue

Mailing Address

Newton Centre

City/Town

MA

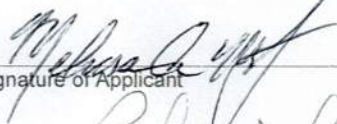
State

02459

Zip Code

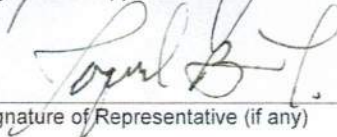
Signatures:

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

  
Signature of Applicant

January 16, 2024

Date

  
Signature of Representative (if any)

January 16, 2024

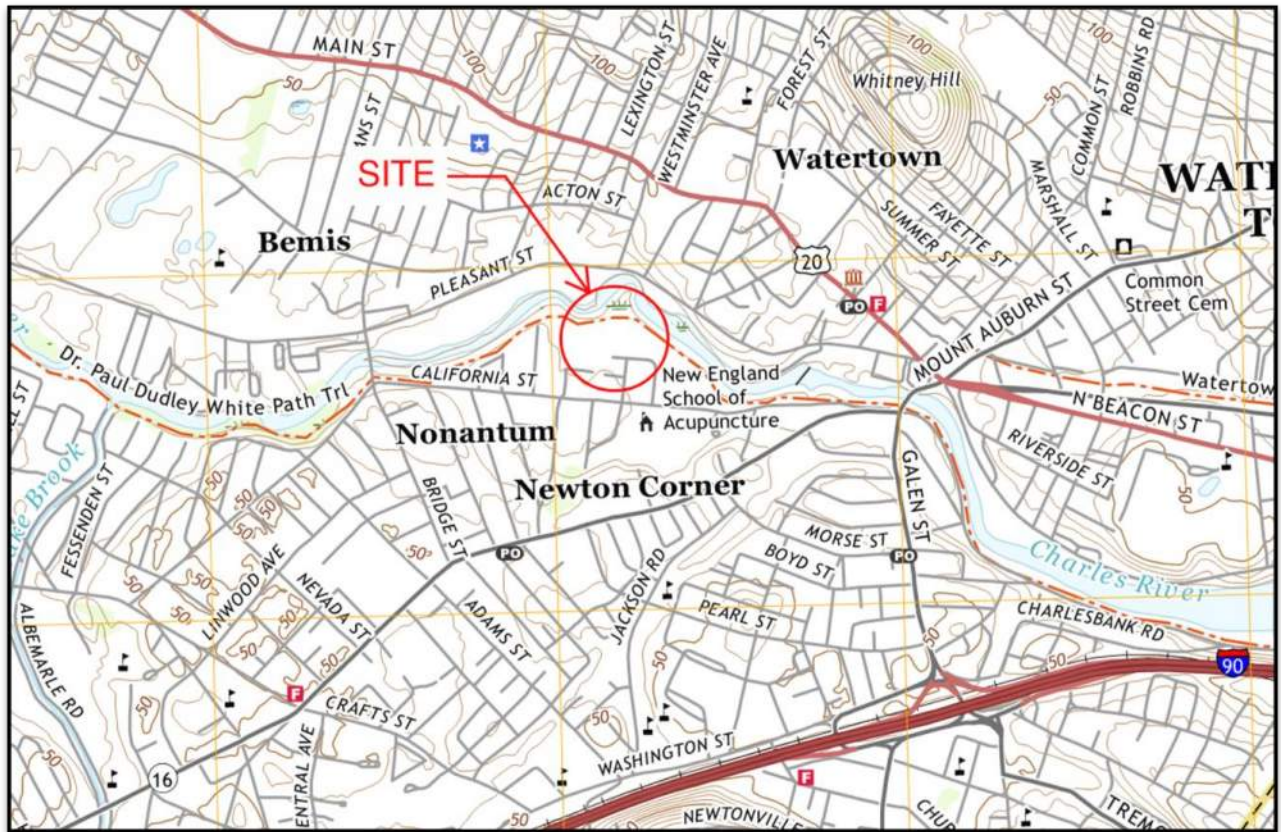
Date



**SECTION 2.0**  
**EXHIBITS**

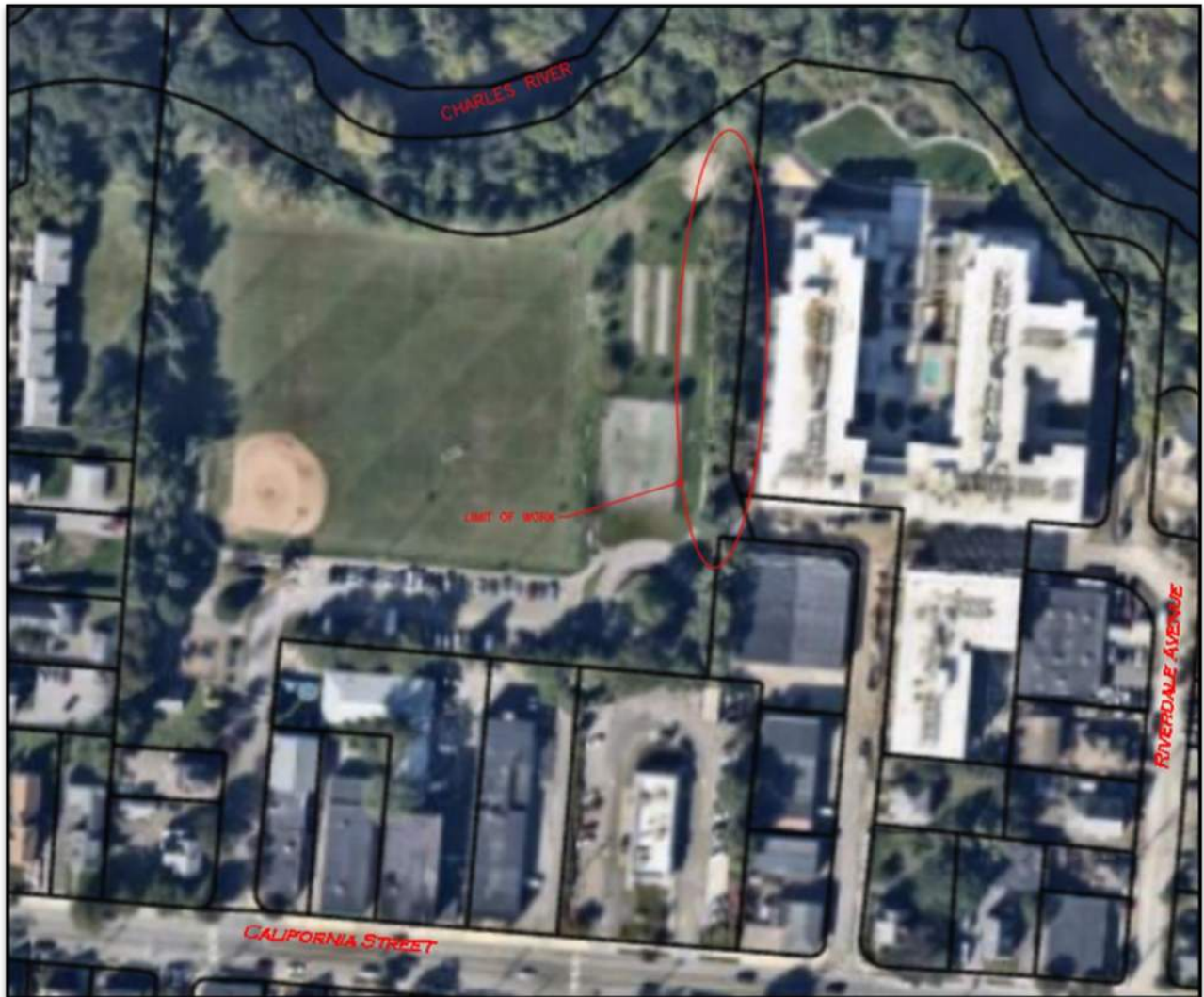


USGS MAP



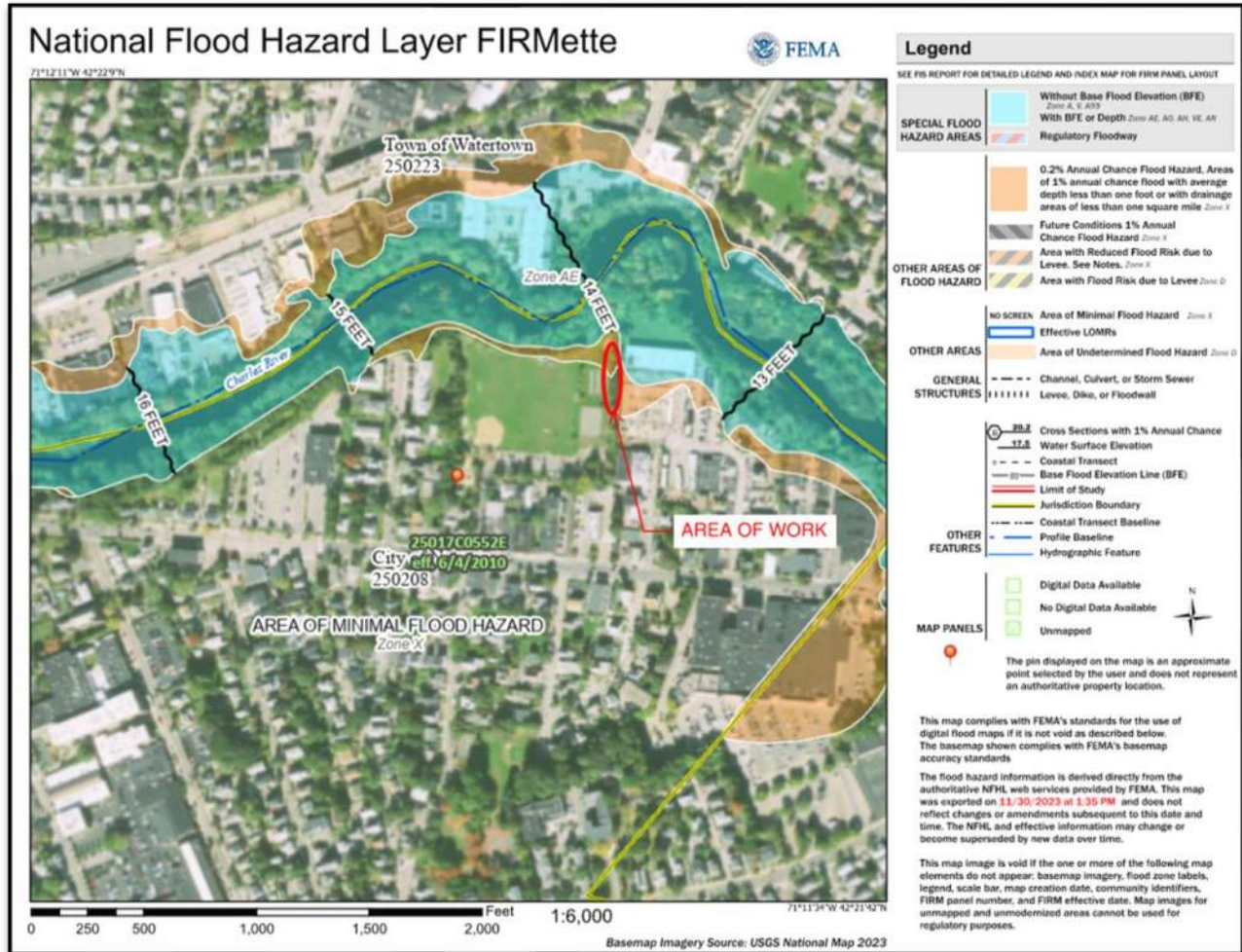


**AERIAL PHOTO**





FEMA FIRM MAP





## WETLANDS MAP





## LOCUS MAP





**SECTION 3.0**  
**SITE DEVELOPMENT PLANS**  
**(See Attached Plans)**