



December 5, 2024

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

Re: Residential Development
528 Boylston Street
Newton, Massachusetts
MassDEP File #239-0977

Members of the Newton Conservation Commission,

On behalf of the Applicant, Toll Brothers, Inc., Lucas Environmental, LLC (LE) has prepared this Supplement for the Notice of Intent (NOI) for the proposed residential development project located at 528 Boylston Street in Newton Massachusetts (MassDEP File #239-0977). This response has been prepared to address two comments raised by the Conservation Commission at the Public Hearing on November 21, 2024, and the BSC Group comment related to the Mitigation Plan in the peer review letter dated December 2, 2024.

The comments consist of the following:

1. Replacement of black huckleberry (*Gaylussacia baccata*) and lowbush blueberry (*Vaccinium angustifolia*) due to potential issues with establishment and herbivory.
2. Replacement of the 125 lungwort (*Pulmonaria* sp.) as it is not a native species to the area.
3. Documenting the projects compliance with the performance standards for work within Bordering Vegetated Wetlands (BVW) under Section 310 CMR 10.55(4) of the Wetlands Protection Act (WPA).

1.0 MITIGATION PLAN REVISIONS

Bohler has revised the Riverfront Area Mitigation Plan (Sheet L-450) to remove and replace the black huckleberry and lowbush blueberry species as requested by the Conservation Commission with the following species:

- Sweet Pepperbush (*Clethra alnifolia*)
- Great Laurel (Rhododendron) (*Rhododendron maximum*)
- American Witch-hazel (*Hamamelis virginiana*)
- Northern Spicebush (*Lindera benzoin*)

Bohler has also revised the Riverfront Area Mitigation Plan (Sheet L-450) to remove and replace the lungwort as requested by the BSC Group with the following species:

- White Wood Aster (*Aster divaricatus*)
- Possumhaw Viburnum (*Viburnum nudum*)

The Commission also suggested Itea (*Itea virginica*) and Bottlebrush Buckeye (*Aesculus parviflora*) as potential replacement species; however, they are not native to Massachusetts and are not included in the revisions.

The revisions to the Mitigation Plan include the following:

Zone 1:

1. Replace 50 Black Huckleberry and 50 Lowbush Blueberry with the following:
 - 25 Sweet Pepperbush
 - 35 Great Laurel
 - 30 Witch-hazel
 - 10 Spicebush
2. Replace 80 Lungwort with 80 White Wood Aster

Zone 2:

3. Replace 20 Lungwort with 20 Possumhaw Viburnum

Zone 3:

4. Replace 10 Lungwort with 10 Possumhaw Viburnum

Zone 4:

5. Replace 10 Black Huckleberry and 10 Lowbush Blueberry with the following:
 - 10 Sweet Pepperbush
 - 10 Great Laurel
 - 10 Witch-hazel
6. Replace 15 Lungwort with 15 White Wood Aster

Zone 5:

7. No substitutions necessary.

Mitigation Plan Schedule Table:

8. Replace 60 Black Huckleberry and 60 Lowbush Blueberry with the following shrubs:
 - 35 Sweet Pepperbush
 - 45 Great Laurel
 - 40 Witch-hazel
 - 10 Spicebush
9. Replace 125 Lungwort with the following:
 - 30 Possumhaw Viburnum
 - 95 White Wood Aster

2.0 BVW PERFORMANCE STANDARDS

The BVW performance standard (*italics*) per Section 310 CMR 10.55(4) and the compliance statement (standard format), are listed below.

310 CMR 10.55(4) General Performance Standards.

- (a) *Where the presumption set forth in 310 CMR 10.55(3) is not overcome, any proposed work in a Bordering Vegetated Wetland shall not destroy or otherwise impair any portion of said area.*

No permanent impacts to the BVW are proposed. Temporary impacts are proposed to mitigation for the invasive species prevalent in the area, and to regrade a portion of the BVW to allow better drainage from the site and provide additional flood storage. The impacts are mitigated in accordance with Section 310 CMR 10.55(4)(b) as demonstrated below.

- (b) *Notwithstanding the provisions of 310 CMR 10.55(4)(a), the issuing authority may issue an Order of Conditions permitting work which results in the loss of up to 5,000 square feet of Bordering Vegetated Wetland when said area is replaced in accordance with the following general conditions and any additional, specific conditions the issuing authority deems necessary to ensure that the replacement area will function in a manner similar to the area that will be lost.*

This standard is met. See the Riverfront Area Mitigation Plan (Sheet L-450) for the proposed mitigation areas. The total temporary impacts within the BVW are estimated conservatively at 4,846 square feet as calculated by Bohler, and will be mitigated in-situ.

1. *The surface of the replacement area to be created ("the replacement area") shall be equal to that of the area that will be lost ("the lost area").*

This standard is met. No permanent impacts to the BVW are proposed. Temporary impacts to the BVW will be replaced in-situ per the wetland mitigation detailed on the Riverfront Area Mitigation Plan (Sheet L-450).

2. *The ground water and surface elevation of the replacement area shall be approximately equal to the lost area.*

This standard is met. Temporary impacts will be restored in-situ. The replication areas will be designed so the ground water and surface elevations will be approximately equal to the areas impacted, with minor regarding proposed in one area.

3. *The overall horizontal configuration of the replacement area with respect to bank shall be similar to the lost area.*

This standard is met. Temporary impacts will be restored in-situ. The replication areas will be designed to match the overall horizontal configuration to the impacted areas.

4. *The replacement area shall have an unrestricted hydraulic connection to the same water body or reach of waterway associated with the lost area.*

This standard is met. Temporary impacts will be restored in-situ. The replication areas will have an unrestricted hydraulic connection to the existing BVW.

5. *The replacement area shall be located within the same general area of the water body or waterway as the lost area.*

This standard is met. Temporary impacts will be restored in-situ. No permanent impacts are proposed to the BVW.

6. *At least 75 percent of the surface of the replacement area shall be reestablished with indigenous wetland plant species within two growing seasons, and prior to said vegetative reestablishment any exposed soil in the replacement area shall be temporarily stabilized to prevent erosion in accordance with standard U.S. Soil Conservation Service methods.*

This standard will be met. The surface hydrology and plantings in the wetland replication areas have been designed to allow at least 75% of the replication areas to be vegetated by indigenous plant species within two growing seasons. Prior to the establishment of 75% vegetative cover, erosion and sedimentation controls will be implemented to stabilize any exposed soils.

7. *The replacement area shall be provided in a manner consistent with all other General Performance Standards for each resource area [BVW; Inland Bank]....*

This standard is met. Impacts to the Riverfront Area and Bordering Land Subject to Flooding have been documented in previous submittals, and reviewed by the peer review consultant and found appropriately addressed.

- (c) *Notwithstanding the provisions of 310 CMR 10.55(4), the issuing authority may issue an Order of Conditions permitting work which results in the loss of a portion of Bordering Vegetated Wetlands when;*

1. *said portion has surface area less 500 square feet*
2. *said portion extends in a distinct linear configuration into adjacent uplands; and*
3. *in the judgment of the issuing authority it not reasonable to scale down, redesign or otherwise change the proposed work so that it could be completed without loss of said wetland.*

Not applicable. The impact areas do not meet the special conditions listed under this standard (e.g., linear configuration).

- (d) *Notwithstanding the provisions of 310 CMR 10.55(4)(a),(b) and (c), no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species...*



500A Washington Street, Quincy, MA 02169

Not applicable. The site is not located within specified habitat of rare species.

(e) Any proposed work shall not destroy or otherwise impair any portion of a Bordering Vegetated Wetland that is within an Area of Critical Environmental Concern...

Not applicable. The site is not located within an ACEC.

If you have any questions, please do not hesitate to contact me at 617.405.4140 or cml@lucasenviro.com. Thank you for your consideration in this matter.

Sincerely,
LUCAS ENVIRONMENTAL, LLC

A handwritten signature in blue ink that reads 'Christopher M. Lucas'.

Christopher M. Lucas, PWS, CWS, RPSS
Environmental Consultant/Wetland & Soil Scientist

cc: Toll Brothers (electronic copy)
Bohler Engineering (electronic copy)
MassDEP – NERO (hard copy)