NOTICE OF INTENT

Filed under the Massachusetts Wetlands Protection Act and the Town of Harvard Wetlands Bylaw

for the Construction of a Patio and Walkway within the 100-Foot Buffer Zone

Located at

10 Houghton Lane, Harvard, MA

Applicant

John Cushing & Kristyna Reisberg
Project Number 34424

Representative

Daniel B. Wolfe, P.E.

David E. Ross Associates, Inc.

Civil Engineers, Land Surveyors & Environmental Consultants
P. O. Box 795
Harvard, MA 01451

March 2024





WPA Form 3 - Notice of Intent

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

1	Provided by MassDEP:
	MassDEP File Number
	Document Transaction Number
	Harvard

City/Town

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.

Project Location	(Note: electronic filers w	ill click on button to loca	ate project site):
10 Houghton La	ne	Harvard	01451
a. Street Address		b. City/Town	c. Zip Code
Latitude and Lor	raitude:	42.51000	-71.58040
Lautuue and Lui	igitude.	d. Latitude	e. Longitude
Map 12		Parcel 68	
f. Assessors Map/Pla	at Number	g. Parcel /Lot I	Number
Applicant:			
John		Cushing	
a. First Name		b. Last Nan	ne
c. Organization		**************************************	
10 Houghton La	пе		
d. Street Address			
Harvard		MA	01451
e. City/Town		f. State	g. Zip Code
617-312-1685		jcushing97@gm	ail.com
h. Phone Number	i. Fax Number	j. Email Address	
John a. First Name	required if different from a	Cushing b. Last Nam	eck if more than one owner
c. Organization			ANNALAMINIA BARTINA ARAN ATTA ATTA ATTA ATTA ATTA ATTA AT
10 Houghton Lar	20		
d. Street Address	16		
Harvard		MA	01451
e. City/Town		f. State	g. Zip Code
617-312-1685		jcushing97@gm	
h. Phone Number	i. Fax Number	j. Email address	
Representative (if any):		
Daniel		Wolfe	
a. First Name		b. Last Nam	e
David E. Ross As	ssociates, Inc.		
c. Company	· · · · · · · · · · · · · · · · · · ·		
P.O. Box 795			
d. Street Address			<u>.</u>
Harvard		MA	01451
e. City/Town		f. State	g. Zip Code
978-772-6232	978-772-6258	<u>dwolfe@davider</u>	oss.com
h. Phone Number	i. Fax Number	j. Email address	
Total WPA Fee F	aid (from NOI Wetland F	ee Transmittal Form):	
\$165.00	\$70	.00	\$95.00
		ate Fee Paid	c. City/Town Fee Paid



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A. General Information (continued)

6.	General Project Description:				
	This project involves the construction of a pervious paver walkway and patio within the 100-foot buffe zone of a bordering vegetated wetland and the outer 100-foot Riverfront zone.				
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. Dother				
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)?				
	If yes, describe which limite	d project applies to this project. (See 310 CMR lete 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:				
	Worcester				
	a. County 63570	b. Certificate # (if registered land) 395			
	c. Book	d. Page Number			
В.	Buffer Zone & Resource Area Impa	icts (temporary & permanent)			
1.	□ Buffer Zone Only – Check if the project is locate				
_	Vegetated Wetland, Inland Bank, or Coastal Resour				

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

a. Bank b. Bordering Vegetated Wetland c. Land Under Waterbodies and Waterways N/A N/A 1. linear feet N/A N/A 2. linear feet N/A N/A 2. square feet					
b. Bordering Vegetated N/A N/A Wetland 1. square feet 2. square feet Land Under Waterbodies and N/A N/A 1. square feet N/A N/A 2. square feet N/A N/A					
c. Land Under Waterbodies and W/A N/A 1. square feet N/A N/A 2. square feet N/A					
Waterbodies and N/A					
vvaterways 3. cubic yards dredged					
Resource Area Size of Proposed Alteration Proposed Replacement (if any)					
d. Bordering Land N/A N/A					
Subject to Flooding 1. square feet N/A N/A 2. square feet N/A					
3. cubic feet of flood storage lost 4. cubic feet replaced					
e. Isolated Land N/A					
Subject to Flooding 1. square feet N/A N/A					
2. cubic feet of flood storage lost 3. cubic feet replaced					
Tributary to Bowers Brook (inland)					
f. Riverfront Area 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: 148,540 sq. ft.					
3. Total area of Riverront Area on the site of the proposed project.					
4. Proposed alteration of the Riverfront Area:					
640 sq. ft. a. total square feet b. square feet within 100 ft. 640 sq. ft. c. square feet between 100 ft. and 200 ft.					
a. total 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? Xes No					
Coastal Resource Areas: (See 310 CMR 10.25-10.35)					

Note: for coastal riverfront areas, please complete Section B.2.f. above.

Resource Areas, please attach a narrative explaining how the resource area was delineated.

For all projects affecting other

3.



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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.

Resource Area		Size of Proposed Alteration	Proposed Replacement (if any)		
a. 🗌	Designated Port Areas	Indicate size under Land	Under the Ocean, below		
b. 🗌	Land Under the Ocean	N/A 1. square feet N/A 2. cubic yards dredged			
с. 🗌	Barrier Beach	Indicate size under Coastal	Beaches and/or Coastal Dunes below		
d. 🗌	Coastal Beaches	N/A 1. square feet N/A	N/A 2. cubic yards beach nourishment N/A		
е. 🗌	Coastal Dunes	1. square feet	2. cubic yards dune nourishment		
		Size of Proposed Alteration	Proposed Replacement (if any)		
f g	Coastal Banks Rocky Intertidal Shores	N/A 1. linear feet N/A 1. square feet			
h. 🗀	Salt Marshes	N/A	N/A		
i. 🗍	Land Under Salt Ponds	1. square feet N/A 1. square feet N/A	2. sq ft restoration, rehab., creation		
j. 🔲	Land Containing Shellfish	cubic yards dredged N/A square feet			
k. 🔲	Fish Runs	Ocean, and/or inland Land above	Banks, inland Bank, Land Under the Under Waterbodies and Waterways,		
		N/A 1. cubic yards dredged			
I. 🔲	Land Subject to Coastal Storm Flowage	N/A 1. square feet	-		
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.					
N/A		N/A			
`	e feet of BVW	·	et of Salt Marsh		
☐ Pro	☐ Project Involves Stream Crossings				
N/A					
a. numbe	er of new stream crossings	b. number of	f replacement stream crossings		

4.

5.



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		:
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		City/Town		
C.	Other Applicable Standards and F	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).			
Str	eamlined Massachusetts Endangered Spec	cies Act/Wetlands Protection Act Review		
 Is any portion of the proposed project located in Estimated Habitat of Rare Wildlif the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife publis Heritage and Endangered Species Program (NHESP)? To view habitat maps, see t Natural Heritage Atlas or go to http://maps.massgis.state.ma.us/PRI EST HAB/view 		sted Rare Wetland Wildlife published by the Natural SP)? To view habitat maps, see the Massachusetts		
	a. Yes No If yes, include proof of m	nailing or hand delivery of NOI to:		
	Natural Heritage and E Division of Fisheries at 1 Rabbit Hill Road Westborough, MA 015			
	If yes, the project is also subject to Massachusetts CMR 10.18). To qualify for a streamlined, 30-day, complete Section C.1.c, and include requested ma Section C.2.f, if applicable. If MESA supplemental completing Section 1 of this form, the NHESP will to 90 days to review (unless noted exceptions in S	MESA/Wetlands Protection Act review, please sterials with this Notice of Intent (NOI); OR complete information is not included with the NOI, by require a separate MESA filing which may take up		
	c. Submit Supplemental Information for Endangered Species Review*			
	Percentage/acreage of property to be altered:			
	(a) within wetland Resource Area	N/A percentage/acreage		
	(b) outside Resource Area	N/A percentage/acreage		
	2. Assessor's Map or right-of-way plan of	site		
 Project plans for entire project site, including wetland resource areas and wetlands jurisdiction, showing existing and proposed conditions, existing and tree/vegetation clearing line, and clearly demarcated limits of work ** 		ed conditions, existing and proposed		
	(a) Project description (including description buffer zone)	on of impacts outside of wetland resource area &		
	(b) Photographs representative of the site			

wpaform3.doc • rev. 12/4/2023

^{*} Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see https://www.mass.gov/maendangered-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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C. Other Applicable Standards and Requirements (cont'd)

(c) MESA filing fee (fee information available at https://www.mass.gov/hea-mesa-project-review).			gov/how-to/how-to-file-for-			
Make check payable to "Commonwealth of Massac above address			ssachusetts - NHESP" ai	nd <i>mail to NHESP</i> at		
	Project	ts altering 10 or more acres of land, also sub	mit:			
	(d) 🗌	(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 https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-ipriority-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.)				or-projectsactivities-in-		
	2. 🔲	Separate MESA review ongoing.	N/A a. NHESP Tracking #	N/A b. Date submitted to NHESP		
	3. 🗌 Pe	Separate MESA review completed. Include copy of NHESP "no Take" dete ermit with approved plan.	rmination or valid Conse	rvation & Management		
3. For coastal projects only, is any portion of the proposed project located below the mean high walline or in a fish run?			w the mean high water			
	a. 🛛 Not a	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 Short the Cape &	e - Bourne to Rhode Island border, and Islands:	North Shore - Plymouth to	o New Hampshire border:		
	Southeast Marine Fisheries Station Not Attn: Environmental Reviewer At 836 South Rodney French Blvd. 30 New Bedford, MA 02744 GI		Division of Marine Fisheries - North Shore Office Attn: Environmental Reviewer 30 Emerson Avenue Gloucester, MA 01930 Email: dmf.envreview-north@mass.gov			
Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Replease contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please compassDEP'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).			(M.G.L. c. 130, § 57).			



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

Massachusetts Department of Environmental ProtectionBureau of Resource Protection - Wetlands

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the boundaries of each affected resource area.

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

4.	is any	portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
	а. 🔲 Ү	Tes 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.
	N/A	
	b. ACEC	
5.		portion of the proposed project within an area designated as an Outstanding Resource Water as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
	a. 🗌 Y	es 🗵 No
6.	Is any Restric	portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands tion Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)'
	a. 🔲 Y	es 🗵 No
7.	Is this p	project subject to provisions of the MassDEP Stormwater Management Standards?
	a. 🗌 Sta	Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management ndards per 310 CMR 10.05(6)(k)-(q) and check if:
	1. [
	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.	Add	tional Information
· · · · · ·		
		a proposal for an Ecological Restoration Limited Project. Skip Section D and complete ix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR
	Applica	nts must include the following with this Notice of Intent (NOI). See instructions for details.
		Users: Attach the document transaction number (provided on your receipt page) for any of wing 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 Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to



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Provided	by MassDEP:
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Doc	ument Transaction Number
Ha	rvard
City	/Town

D. Additional Information (cont'd)

	,		
3. 🛚	Identify the method for BVW and other resource area boundary delineations (Mass Field Data Form(s), Determination of Applicability, Order of Resource Area Delinea and attach documentation of the methodology.		
4. 🛛	List the titles and dates for all plans and other	ner materials submitted with this NOI.	
Site	e Plan designed for John Cushing		
a. F	Plan Title		
Da	vid E. Ross Associates, Inc.	Daniel B. Wolfe, P.E.	
b. P	Prepared By	c. Signed and Stamped by	
3/5	5/24	1"=20'	
d. F	inal Revision Date	e. Scale	
f. A	dditional 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
aut	thority, 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:

101	3-7-24
2. Municipal Check Number	3. Check date
102	3-7-24
4. State Check Number	5. Check date
John	Cushing
6. Payor name on check: First Name	7. Payor name on check: Last Name



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ì	Provided by MassDEP:
•	
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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.

1. Signature of Applicant	3-14-24 2. Date
3. Signature of Property Owner (if different) Signature of Representative (if any)	4. Date 3-14-24 6. Date

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.

March 12, 2024

RE: 10 Houghton Lane

Harvard, MA 01451

Assessor's Map 12, Parcel 68

To Whom It May Concern:

We hereby authorize Daniel B. Wolfe of David E. Ross Associates, Inc., to act as our Agent in matters related to the above referenced property. This authorization includes the execution of applications forms, preparation and presentation of plans, and the required communications with all necessary Boards and/or Commissions.

ghotely of you

Respectfully submitted,

John Cushing and Kristyna Reisberg

10 Houghton Lane Harvard, MA 01451

617-312-1685



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.





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Λ	Λnr	NIICO	nt In	tarm	STIAN
М.	MUL	nica	6 I L 1 I I	IVIIII	ation

1. Location of Proje	et:					
10 Houghton Lar	ne	Harvard				
a. Street Address		b. City/Town				
102		\$70.00				
c. Check number		d. Fee amount				
2. Applicant Mailing	Applicant Mailing Address:					
John		Cushing				
a. First Name		b. Last Name				
c. Organization						
10 Houghton Lar	ne					
d. Mailing Address						
Harvard		MA	01451			
e. City/Town		f. State	g. Zip Code			
617-312-1685		jcushing97@gmail.com				
h. Phone Number	i. Fax Number	j. Email Address				
B. Property Owner (if different):					
Same						
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				

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).

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.



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
Work on single-family residential lot. Category 1	1	\$110.00	\$110.00
x 1.5 within Riverfront Zone		\$165.00	\$165.00
	Step 5/To	otal Project Fee:	\$165.00
	Step 6/	Fee Payments:	
	Total	Project Fee:	\$165.00 a. Total Fee from Step 5
	State share	of filing Fee:	\$70.00 b. 1/2 Total Fee less \$12.50
	City/Town share	of filling Fee:	\$95.00 c. 1/2 Total Fee plus \$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.)

Bureau of Resource Protection - Wetlands

WPA Attachment A.

Massachusetts Wetlands Protection Act M.G.L. c. 131 s. 40

Proposed Project Description

Project Location: 10 Houghton Lane, Harvard, MA.

Applicants: John Cushing & Kristyna Reisberg

Project No. 34424

This overall project is for the construction of a brick paver patio and walkway on the back, northerly side of the existing house. This patio area will provide a usable and private area for the family as well as safe egress from two existing sliding glass doors on the lower level of the house. In addition, due to the gravel base that will be installed below the patio, and the porous quality of the brick layout, this area will provide more of an infiltrative quality than the slippery slope that exists now. All work is proposed to take place within the limit of work area, defined by the erosion control barriers detailed on the enclosed Site Plan, and any other disturbed areas will be loamed and seeded for continued stabilization.

Wetland Delineation Data:

By Brandon Ducharme, David E. Ross Associates, Inc.

A site visit was conducted on November 16, 2023, to evaluate the above referenced site with regard to the presence of Wetland Resource Areas, as defined by the Massachusetts Wetlands Protection Act (M.G.L. c. 131 s. 40) and Regulations (310 CMR 10.00) and by the Federal Clean Water Act (Section 404) and the Town of Harvard Wetlands Protection Bylaw.

Soil observation points were taken using a hand auger and vegetation was examined in areas where "saturated or inundated" conditions were noted. From these points, transects were run perpendicular to slope until upland soils and vegetation were encountered. The information obtained from these transects was then used to determine the flag locations along the wetland boundary.

Hydric Soil Probe OP-1:

0"-16" Oa 10YR 2/2 16"-25" Bg 2.5Y 7/1

Saturated to surface with standing water at 3-inches.

Bureau of Resource Protection - Wetlands

WPA Attachment A.

Massachusetts Wetlands Protection Act M.G.L. c. 131 s. 40



Proposed Project Description

Pockets of standing water identified within BVW

Т	reec	
_	iccs.	

Northern Red Maple, (Acer rubrum)	90%	FAC
Eastern White Pine, (Pinus strobus)	10%	FACU

Shrubs and Saplings:

Eastern White Pine, (Pinus strobus)	15%	FACU
Northern Red Maple, (Acer rubrum)	10%	FAC
Common Winterberry, (Ilex verticillate)	10%	FACW+

Ground Cover:

Cinnamon Fern, (Osmunda cinnamomea)	80%	FACW
Sensitive Fern, (Onoclea sensibilis)	20%	FACW
Tussock Sedge, (Carex stricta)	10%	OBL

Upland Soil Probe OP-2:

0" -6"	Ap	10YR 3/2
6"-18"	Bw	10YR 5/6

No Groundwater or Redox features

$\overline{}$	•	
	PAAC	٠
		٠

Northern Red Oak, (Quercus rubra)	40%	FACU-
Northern Red Maple, (Acer rubrum)	20%	FAC
Shrubs & Saplings:		
Northern Red Oak, (Quercus rubra)	15%	FACU-
Eastern White Pine, (Pinus strobus)	15%	FACU
Slippery Elm, (Ulmus rubra)	10%	FAC
Constant Constant		

Ground Cover:

Spinul	lose Woodfern,	(Dryopteris spinulosa)	10%	FAC+
--------	----------------	------------------------	-----	------

Bureau of Resource Protection - Wetlands

WPA Attachment A.

Massachusetts Wetlands Protection Act M.G.L. c. 131 s. 40

Proposed Project Description

An "A" series of wetland flags were placed along a wooded swamp that is associated with a perennial stream that flows from west to east across the rear portion of the property. This wetland and stream continue in a northeasterly direction until depositing into a larger wetland bog. The table below identifies wetland flags that were placed in the field along the BVW:

	Flag ID	Flag Numbers
BVW Boundary (A –	Blue Flags	WF A1 – WF A10
Series)		

This area is considered Bordering Vegetated Wetlands (BVW) as pursuant to 310 CMR 10.55(2)(a). The boundary of the wetland was delineated in the field according to regulation 10.55(2)(c) which states that:

"the boundary of Bordering Vegetated Wetlands is the line with which 50% of more of the vegetational community consists of wetland indicator plants and where saturated or inundated conditions exist."

There is a Buffer Zone that extends 100-feet landward from the edge of the Bordering Vegetated Wetlands encompassing much of the existing home and vard.

The stream identified above is shown on the USGS Quad for Ayer MA as a perennial stream. In accordance with 310 CMR 10.58 the stream has a 200-foot Riverfront Area that extends landward into the project site, encompassing the house and a portion of the driveway. The mean annual high water line was determined by bankfull field indicators that occur at the first observable break in slope, identified as the top of bank of the stream. The table below identifies top of bank flags that were placed in the field along the mean annual high water line:

	Flag ID	Flag Numbers
Mean Annual High Water	Blue Flags	TOB 1 – TOB 13
Line		

Upon reviewing the most recently available Flood Insurance Rate Map for the Town of Harvard, the project site does not have areas on or near the site subject to inundation during the 100-year frequency storm event, which would be considered Bordering Land Subject to Flooding. This information was obtained from the Federal Flood Insurance Rate (FIRM) Flood Plain Map 25027CO314E for Harvard, Massachusetts dated July 4, 2011.

Bureau of Resource Protection - Wetlands

WPA Attachment A.

Massachusetts Wetlands Protection Act M.G.L. c. 131 s. 40

Proposed Project Description

In accordance with regulation 310 CMR 10.59, no project may be permitted which will have an adverse effect on specified habitat sites of rare vertebrate or invertebrate species. Specified habitat sites of rare species have been identified by the Massachusetts Natural Heritage and Endangered Species Program of the Division of Fisheries and Wildlife. The Massachusetts Natural Heritage Atlas 15th Edition indicates that there are no habitat sites of rare species and wildlife or certified vernal pools on or near the project site.

Supplemental Information:

- No portion of the work is located within an NHESP Priority and Estimated Habitat Area.
- No portion of the project is located within an ACEC.
- None of the disturbances are located within the FEMA 100-year flood zone.
- There are no Outstanding Resource Waters on the site.

ALTERNATIVES ANALYSIS FOR WORK WITHIN THE RIVERFRONT ZONE 10 HOUGHTON LANE HARVARD, MASSACHUSETTS

Project No. 34424 March 2024

INTRODUCTION:

As work on the proposed project will occur within the Riverfront Zone, 310 CMR 10.58(4)(c)3 requires that "the applicant shall demonstrate that there are no practicable and substantially equivalent economic alternatives..." Several possible alternatives are detailed below.

ALTERNATIVES:

Three alternative scenarios were considered that might reduce the impact of the project in the Riverfront Zone. It was determined that none of the alternatives are practicable and substantially equivalent economic alternatives to the proposed project.

1. Do nothing.

Continuing to own and maintain the existing structure, with its very limited, useable square footage and privacy of use, while continuing to pay taxes on the property which support public services such as Police, Fire, Emergency Medical Services, as well as Schools, Town Services and Utilities, does not create an economically equivalent alternative to the proposed project.

2. Reducing the footprint of the proposed patio

Reducing the footprint of the proposed patio would provide negligible additional protection of the interests of 310 CMR 10.58. The patio would still occupy a limited space, as does the current proposal. Additionally, a smaller patio would be of lower utility and economic value and therefore would not be economically equivalent.

3. Build outside of the Riverfront Zone

It would be impossible to build this patio and create any kind of private spaces outside of the Riverfront Zone, as the entire house, and majority of the lot, is within the 200' Riverfront zone. Therefore, this alternative is not economically equivalent.

CONCLUSIONS:

For the reasons detailed above, it was determined that the alternatives considered for the project are not practicable or substantially equivalent economic alternatives to the proposed project.

DAVID E. ROSS ASSOCIATES, INC.

Civil Engineers, Land Surveyors, Environmental Consultants

USGS

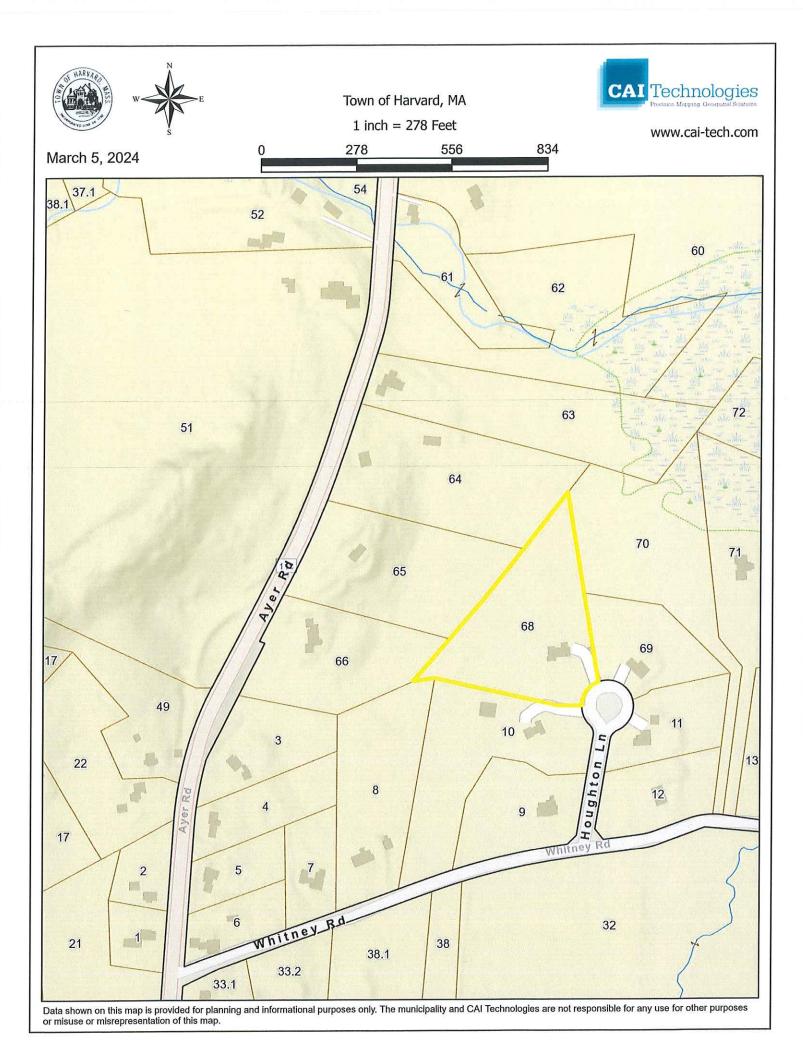
Site: #10 Houghton Lane – Harvard, MA 01451 (Map 12 – Parcel 68)

Source: Current Mass GIS (http://maps.massgis.state.ma.us/map ol/oliver.php)

LOCUS

Brok

WHITE



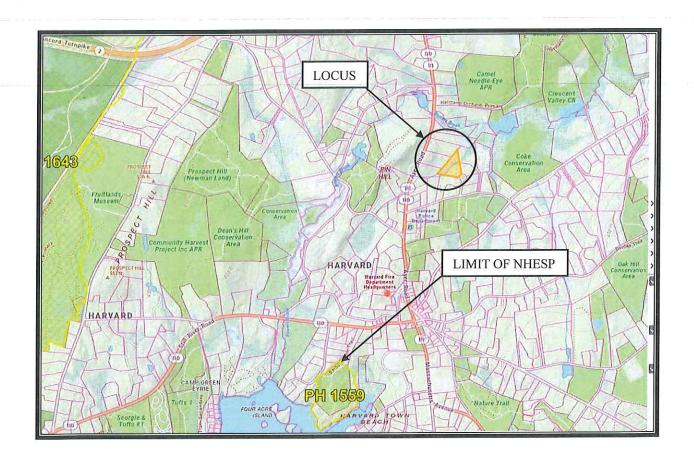
DAVID E. ROSS ASSOCIATES, INC.

Civil Engineers, Land Surveyors, Environmental Consultants

NHESP

Site: #10 Houghton Lane – Harvard, MA 01451 (Map 12 – Parcel 68)

Source: Current Mass GIS (http://maps.massgis.state.ma.us/map_ol/oliver.php)



National Flood Hazard Layer FIRMette





Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

Zone A, V, A99
With BFE or Depth Zone AE, AO, AH, VE, AR

Regulatory Floodway

Without Base Flood Elevation (BFE)

0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainag areas of less than one square mile Zone

Future Conditions 1% Annual Chance Flood Hazard Zone X

Area with Flood Risk due to Levee Zone D Area with Reduced Flood Risk due to Levee. See Notes, Zone X

No screen Area of Minimal Flood Hazard Zone X

Area of Undetermined Flood Hazard Zon

OTHER AREAS

Channel, Culvert, or Storm Sewer GENERAL ---- Channel, Culvert, or Storm STRUCTURES | 1111111 Levee, Dike, or Floodwall Cross Sections with 1% Annual Chance Water Surface Elevation Coastal Transect 17.5

Base Flood Elevation Line (BFE) Jurisdiction Boundary Limit of Study

Coastal Transect Baseline Hydrographic Feature Profile Baseline

OTHER FEATURES

Digital Data Available

No Digital Data Available

Unmapped

MAP PANELS

The pin displayed on the map is an approximate point selected by the user and does not represe an authoritative property location.

This map complies with FEMA's standards for the use of The basemap shown complies with FEMA's basemap digital flood maps if it is not void as described below.

authoritative NFHL web services provided by FEMA. This map was exported on 3/5/2024 at 8:57 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or The flood hazard information is derived directly from the become superseded by new data over time. This map image is void if the one or more of the following map FIRM panel number, and FIRM effective date. Map images for legend, scale bar, map creation date, community identifiers, unmapped and unmodernized areas cannot be used for

FORM A NOTICE OF FILING

DATE: FROM:	John Cushing & Kristyna Reisberg (applicant)	10 Houghton Lane
Address:	10 Houghton Lane, Harvard, MA 01451	
Telephone	e: <u>617-312-1685</u>	
herew Wetla	nant to the requirements of M.G.L. Chapter 131 §. 40 and /ovith a complete copy of a Request for Determination of Apand Permit. Copies of this complete application have been been to Town Boards by certified mail or hand delivery as fol	plicability or an Application for a Harvard submitted as required under subsection 147-14
Conse	ervation Commission (10 copies)	Date of Submittal 3/14/24
Depar	rtment of Environmental Protection (2 copies)	3/14/24
B. Have	the abutters to the property on which the work is proposed cation, on Form B? X Yes (attach a certified list of abutters	
provio	owner of the land is other than the Applicant, the owner moded or provide written authorization for the Applicant to apper's Signature	
	e check the appropriate box(s):	
N A A	equest for Determination of Applicability Iotice of Intent Ibbreviated Notice of Intent Ibbreviated Notice of Resource Area Delineation Imendment of the Order of Conditions	
F. Have th	ne appropriate Town filing fees been included? Yes	□ No

FORM B NOTIFICATION TO ABUTTERS MASSACHUSETTS WETLAND PROTECTION ACT AND HARVARD WETLANDS PROTECTION BYLAW

DATE:	March 14, 2024	Certified Mail #	
		or Date of Hand Delivery:	
TO:			
	(abutter)	(address)	1 (17 212 1/07
FROM:		Reisberg, 10 Houghton Ln. Harvard	(Telephone No.)
	(applicant)	(address)	(Telephone No.)
RE:	Property identified on Harvard	Assessors Map # 12 Parcel 68	
	The address of the lot where the	ne activity is proposed is:	
	10 Houghton Lane, I	Harvard, MA	
Durguan	t to the requirements of the Har	vard Wetlands Protection Bylaw and the se	cond naragraph of Massachusetts
		hereby notified that the following forms h	
	ation Commission:	, c	
v	A Nictica of Intant on Abbusyla	ated Notice of Intent goaling narmicaion to	anduct one or more of the
<u>X</u>		ated Notice of Intent seeking permission to , or alter an Area Subject to Protection Unc	
		40) and the Harvard Wetlands Protection B	
	the Town of Harvard).		
	An Abbreviated Notice of Rese	ource Area Delineation for confirmation of	the delineation of a Bordering
		projects in the buffer zone under the Wetla	
		rvard Wetlands Protection Bylaw (Chapter	119 of the Code of the Town of
	Harvard).		
	A Request for Determination o	of Applicability of the Harvard Wetlands Pr	otection Bylaw (Chapter 119 of
		ard).and the State Wetlands Protection Act	
	Amondment to the Order of Co	onditions under the Harvard Wetland Bylaw	(Chantar 110 of the Code of the
	Town of Harvard)	onditions under the Haivard Wetland Bylaw	(Chapter 119 of the Code of the
	,		
		w defines abutters as those persons whose p	
		erty lies across a traveled way or railroad b recent owner of the property according to t	
	of abutters shall be certified by		no most recent responsible recent.
		will hold a public hearing on the filing wit ice of this public hearing will be given at le	
		s appear on the Town of Harvard website at	
		•	
		application are on file with the Land Use Bo	- · · · · · · · · · · · · · · · · · · ·
		tative by calling the following telephone nu	
petween	the nours of <u>8 am</u> and 4 pm	on the following days of the week <u>Mond</u>	iay - rriday .
The hear	ing can be subsequently continu	ued to a later date by the Commission with	the agreement of the Applicant.

To contact the Central Region DEP office call 508-792-7650.

FORM C

REQUEST FOR WAIVER

HARVARD WETLANDS PROTECTION BYLAW

Date:	March 14, 2024
To:	Harvard Conservation Commission
From:	John Cushing & Kristyna Reisberg (name of petitioner)
	10 Houghton Lane, Harvard, MA 01451 (address of petitioner)
RE:	Harvard Wetlands Rules and Regulations
	Request for Waiver
	Pursuant to the provisions of §147-3 of the Regulations for the administration of The Harvard Wetlands Protection Bylaw, I hereby request a waiver from the Commission for compliance with the following section of the regulations:
	147-12 SETBACKS - See Attached Narrative dated March 14, 2024.
	The waiver is requested for the following reason(s):
	See Attached Narrative dated March 14, 2024.
Signatur	re of petitioner Law Blook AS Telephone # 617-312-1685

DAVID E. ROSS ASSOCIATES, INC.

Civil Engineers, Land Surveyors, Environmental Consultants

March 14, 2024

Harvard Conservation Commission 13 Ayer Road Harvard, MA 01451

Re:

John Cushing & Kristyna Reisberg, 10 Houghton Lane, Harvard

Site Plan No. M- 6756 Project No.34424

Dear Commission Members:

On behalf of our clients, John Cushing & Kristyna Reisberg, we want to present our proposed project to you along with our justification of the waivers that we are requesting from your local Wetland Bylaws.

Our overall plans involve the construction of a brick paver patio and walkway on the back, northerly side of the existing house. This patio area will provide safe egress from two existing sliding glass doors. As you may recall, we met with the Commission on an informal basis on February 15, 2024, to discuss the drawbacks and merits of such a plan and your input has been considered and included in this final plan proposal. Changes include reducing the size of the overall patio to provide a larger offset to the wetlands themselves, rounding off the corner of the patio's edge to again increase the offset to the resource area, and to center the proposed walkway under the existing deck. Consideration was given to constructing these improvements as a ground-level deck but was kept as a constructed patio to improve the overall drainage and infiltration benefits of the paver patio.

Due to the existing location of the existing house and wetlands, the desire to maintain a useable private space behind the house, and to provide safe egress out of the lower level of the house, we are unable to make the proposed improvements without your consideration and granting of the following waiver, relative to 147-12 (Setbacks):

No Disturbances within 50 feet of the Resource Area. As described above, we proposed to build this walkway and patio to provide a useable and private place to sit, to enhance safe egress from the lower level of the house, and to improve infiltration qualities of the area that currently directs stormwater directly to the wetlands. Our offset to the resource area is limited due to the fixed location of the existing house and will result in an offset of seven (7) feet.

Thank you for your consideration of this waiver and we look forward to discussing this in more detail at our upcoming public hearing.

Very truly yours,

By:

DAVID E. ROSS ASSOCIATES, INC.

Daniel B. Wolfe, P.E.

FORM D PERMISSION FOR ACCESS

TO:	Harvard Conservation Commission						
	13 Ayer Road						
	Harvard, MA 01451						
From	John Cushing & Kristyna Reisberg						
1 10111.	John Cushing Co Knowy Na Testsoon						
	10 Houghton Lane						
	Harvard, MA 01451						
	1100 7 00 0 1 7 1 1 1 1 1 1 1 1 1 1 1 1						
Pursuan	t to §147-6.D. or §147-11.D. of the Wetlands Protection Bylaw Rules, I do hereby grant the Harvard						
	Conservation Commission and/or its consultants access to the project site under consideration for a Determination of						
	bility, Notice of Intent, Abbreviated Notice of Intent, Abbreviated Notice of a Resource Area Delineation or						
an Ame	ndment to the Order of Conditions any time from the receipt of such notice through the issuance of a						
	ate/of Compliance, Negative Determination, expiration of a Positive Determination and/or an Order of						
Resourc	e (Area Delineation.						
Signed:	Devenue Blook, AS ACENT Date 3-14-24						
	Owner or Authorized Applicant from Form A part C						

FORM E

PERMISSION TO BILL APPLICANT DIRECTLY FOR LEGAL NOTICE

1	Harvard Conservation Commission 13 Ayer Road Harvard, MA 01451
FROM:	John Cushing & Kristyna Reisberg
-	10 Houghton Lane
-	Harvard, MA 01451
	nuthorize Harvard Press to bill me directly for the legal notice published for a public hearing with the Conservation Commission. Date 3-14-24
	Owner or Authorized Applicant from Form A part C

FORM F

Wetland filing fees calculation worksheet for work in resource areas

		ree	i otai	
No	tice of Intent Fees			
1)	Single family			
	Septic Repair or Upgrade (Enter Fee & Skip to Total Fee)	\$200.00		
	New Construction or alteration involving 500sf or less of total construction	\$300.00		
	New Construction or alteration involving 501sf to 1499sf of total construction	\$600.00	<u>\$600</u>	
	New Construction or alteration involving 1500 sf or more of total construction	\$900.00	PARAMANANAN METAWA	•
2)	Subdivision/mini Subdivision			
	Roads and Utilities only	\$1,500.00		
	Multifamily/Condominium Structures construction	\$1,500.00		
3)	Commercial or Industrial Projects	\$1,500.00		<u></u>
Ad	ditional charges under a Notice of Intent for disturbance within the buffer zone			
1)	Disturbance within the buffer zone	<u>_640</u> _sf	x 0.25 =	<u>\$160</u>
2)	Confirmation delineated wetland line	120linearft	x 0.50 =	<u>\$60</u>
3)	Alteration or replication of wetlands	sf	x 1.00 =	
	TOTAL FILING FEE		\$820.00	P
	Fee doubled if Notice of Intent is filed after work began or an Enforcement Order was issued			
<u>Otl</u>	ner fees			
Request for an amendment to an Order of Conditions		\$200.00		
Request for an extension to an Order of Conditions		\$125.00		
Request for a reissued Certificate of Compliance		\$100.00		
Request for an Emergency Certificate of Compliance		\$200.00		
	uest for an Emergency Certification Form	\$200.00		
Request for Certificate of Compliance with Expired OOC or Partial Certificate of Compliance		\$125.00		
		\$100.00		
	oreviated Notice of Resource Area Delineation (ANRAD) (Minimum \$100.00, Maximum	linear ft	x \$1.50=	
љ I.:	500.00)	iiiicai It	V Φ1'ΩΩ	

Note: These fees are in addition to recording and advertising fees, and to the State Wetlands Program Fees charged under MGL. Ch. 131 Sec.40 and 310 CMR 4.10(8)(n).

AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act

To be submitted to the Massachusetts Department of Environmental Protection and the Conservation Commission when filing a Notice of Intent.

I, <u>Daniel B. Wolfe</u>, hereby certify under the pains and penalties of perjury that on <u>March 14, 2024</u>, I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the DEP Guide to Abutter Notification dated April 8, 1994 in connection with the following matter:

A Notice of Intent was filed under the Massachusetts Wetlands Protection Act by **John Cushing & Kristyna Reisberg** with the Harvard Conservation Commission for property located at **10 Houghton Lane**.

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

Name Bloof 3-14-24
Date



Abutters List Report Town of Harvard, MA

Date:

March 5, 2024

Parcel Number:

012-068-000-000

Property Address:

10 Houghton Ln

Abutters To:

300ft

The above Certified Abutters List is a true copy of the records in the Town of Harvard Assessor's office for the last known names and addresses of owners of land located within the above stated range of the subject property.

Signed:

Date:

Carol Dearborn Assistant Assessor (978) 456-4100 x315

FINANCE DEPARTMENT - ACCOUNTANT, ASSESSORS, TREASURER/COLLECTOR
13 Ayer Road, Harvard, Massachusetts 01451-1458
www.harvard-ma.gov

W E

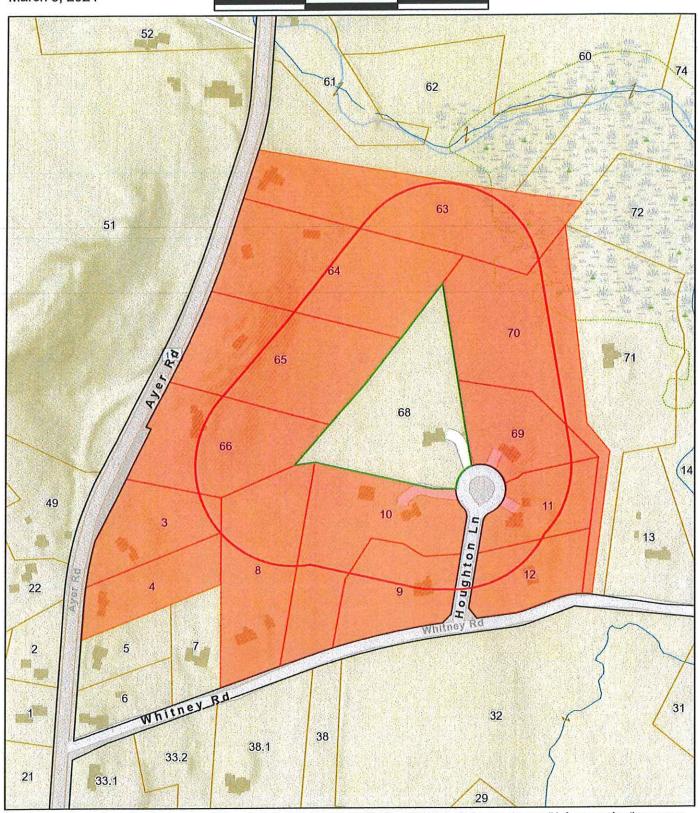
10 HOUGHTON LN

Town of Harvard, MA 1 inch = 278 Feet

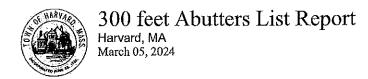


www.cai-tech.com





Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



Subject Property:

Parcel Number:

012-068-000-000

CAMA Number:

012-068-000-000 Property Address: 10 HOUGHTON LN

Mailing Address: CUSHING, JOHN DANIEL

10 HOUGHTON LN

HARVARD, MA 01451

Abutters:

Parcel Number:

012-063-000-000

Mailing Address:

ROBERT FATHMAN

CAMA Number:

012-063-000-000 Property Address: 86 AYER RD

86 AYER RD

HARVARD, MA 01451

Parcel Number:

012-064-000-000

Mailing Address: PALYS, JOHN R & BARBARA L

CAMA Number:

Property Address: 82 AYER RD

012-064-000-000

82 AYER RD HARVARD, MA 01451

Parcel Number:

012-065-000-000

Mailing Address: FARIA, JOSEPH M & DIANA

CAMA Number:

012-065-000-000 Property Address: 74 AYER RD

74 AYER RD HARVARD, MA 01451

Parcel Number:

012-066-000-000

Mailing Address: SMITH, GLENN & BEVERLY ARDEN

CAMA Number:

012-066-000-000

65 WASHINGTON ST

Property Address: 72 AYER RD

MARBLEHEAD, MA 01945-3529

Parcel Number:

012-069-000-000

Mailing Address: CHARLES J MAYER

8 HOUGHTON LN

CAMA Number: 012-069-000-000 Property Address: 8 HOUGHTON LN

HARVARD, MA 01451

Parcel Number:

012-070-000-000

Mailing Address: WHITNEY ROAD REALTY TR

CAMA Number:

012-070-000-000

35 WHITNEY RD HARVARD, MA 01451

Property Address: WHITNEY RD

Parcel Number:

17B-003-000-000

Mailing Address: FRASER, CHARLES A & JENIFER G

CAMA Number:

17B-003-000-000 Property Address: 60 AYER RD

60 AYER RD HARVARD, MA 01451

Parcel Number:

17B-004-000-000

Mailing Address: MANGANARO, THOMAS F & CAROL A

CAMA Number:

17B-004-000-000

58 AYER RD

Property Address: 58 AYER RD

HARVARD, MA 01451

Parcel Number:

17B-008-000-000

Mailing Address: FROHN, WILLIAM LEVI

15 WHITNEY RD

CAMA Number:

17B-008-000-000 Property Address: 15 WHITNEY RD

HARVARD, MA 01451

CAMA Number:

Parcel Number: 17B-009-000-000 17B-009-000-000

Mailing Address: CAVANAUGH, JOHN & SWANGREN,

JUDITH L

PO BOX 115

Property Address: 23 WHITNEY RD

HARVARD, MA 01451



Parcel Number: CAMA Number: 17B-010-000-000

17B-010-000-000

Property Address: 12 HOUGHTON LN

Mailing Address: BAZARNICK, STEPHEN & GRIPPA,

FRANCESCA

12 HOUGHTON LN HARVARD, MA 01451

Parcel Number: 17B-011-000-000 CAMA Number: 17B-011-000-000

Mailing Address: WILLIAM WOLLISON

6 HOUGHTON LN

Property Address: 6 HOUGHTON LN

HARVARD, MA 01451

Parcel Number: 17B-012-000-000 17B-012-000-000

Mailing Address: SCOTT LEACH 29 WHITNEY RD HARVARD, MA 01451

CAMA Number:

Property Address: 29 WHITNEY RD

