

## NOTICE OF INTENT

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

for the  
Demolition and Reconstruction of a Single-Family Home within the  
100-Foot Buffer Zone

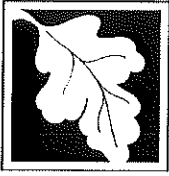
Located at  
4 Wilroy Avenue, Harvard, MA

Applicant  
Gerald & Carole Gaw  
Project Number 34406

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





**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

**WPA Form 3 – Notice of Intent**

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

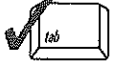
MassDEP File Number

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.

**A. General Information**

1. Project Location (**Note:** electronic filers will click on button to locate project site):

4 Wilroy Avenue

a. Street Address

Harvard

b. City/Town

01451

c. Zip Code

Latitude and Longitude:

42.48590

d. Latitude

-71.60310

e. Longitude

Map 26

f. Assessors Map/Plat Number

Parcel 5

g. Parcel /Lot Number

2. Applicant:

Gerald & Carole

a. First Name

Gaw

b. Last Name

c. Organization

3 Hillside Avenue

d. Street Address

Clinton

e. City/Town

MA

f. State

01510

g. Zip Code

978-798-8163

h. Phone Number

i. Fax Number

ggaw@comcast.net

j. Email Address

3. Property owner (required if different from applicant):

☐ Check if more than one owner

a. First Name

Willard Shores, Inc.

b. Last Name

c. Organization

P.O. Box 424

d. Street Address

Bolton

e. City/Town

MA

f. State

01740

g. Zip Code

978-798-8163

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Daniel

a. First Name

Wolfe

b. Last Name

David E. Ross Associates, Inc.

c. Company

6 Lancaster County Road, P.O. Box 795

d. Street Address

Harvard

e. City/Town

MA

f. State

01451

g. Zip Code

978-772-6232

h. Phone Number

978-772-6258

i. Fax Number

dwolfe@davidross.com

j. Email address

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

\$500

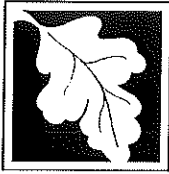
a. Total Fee Paid

\$237.50

b. State Fee Paid

\$262.50

c. City/Town Fee Paid


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City/Town

**A. General Information (continued)**

## 6. General Project Description:

This project is for the demolition and reconstruction of a single-family home and attached garage within the 100-foot buffer zone of Bare Hill Pond.

## 7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Single Family Home             | 2. <input type="checkbox"/> Residential Subdivision       |
| 3. <input type="checkbox"/> Commercial/Industrial                     | 4. <input type="checkbox"/> Dock/Pier                     |
| 5. <input type="checkbox"/> Utilities                                 | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation                |
| 9. <input type="checkbox"/> 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 CMR 10.24(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

5598

c. Book

b. Certificate # (if registered land)

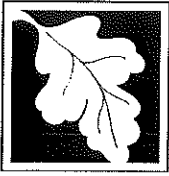
284

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Harvard

City/Town

## 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	N/A 1. linear feet	N/A 2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	N/A 1. square feet	N/A 2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	N/A 1. square feet N/A 3. cubic yards dredged	N/A 2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	N/A 1. square feet N/A 3. cubic feet of flood storage lost	N/A 2. square feet N/A 4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	N/A 1. square feet N/A 2. cubic feet of flood storage lost	N/A 3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	N/A 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:

square feet

4. Proposed alteration of the Riverfront Area:

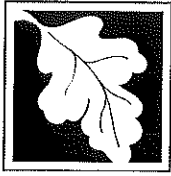
N/A	N/A	N/A
a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.

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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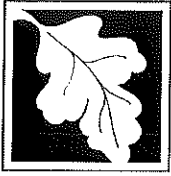
City/Town

**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	N/A 1. square feet N/A 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	N/A 1. square feet	N/A 2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	N/A 1. square feet	N/A 2. cubic yards dune nourishment
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	N/A 1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	N/A 1. square feet	
h. <input type="checkbox"/> Salt Marshes	N/A 1. square feet	N/A 2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	N/A 1. square feet N/A 2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	N/A 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 N/A 1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	N/A 1. square feet	
4. <input type="checkbox"/> 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 a. square feet of BVW	N/A b. square feet of Salt Marsh
5. <input type="checkbox"/> Project Involves Stream Crossings		
	N/A a. number of new stream crossings	N/A b. number of replacement stream crossings



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MassDEP File Number \_\_\_\_\_

Document Transaction Number \_\_\_\_\_

Harvard

City/Town

**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

MassGIS 2/24

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

N/A

percentage/acreage

(b) outside Resource Area

N/A

percentage/acreage

2. ☐ Assessor's Map or right-of-way plan of site

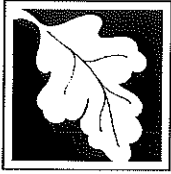
2. ☐ Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work \*\*

- (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/mas-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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MassDEP File Number

Document Transaction Number

Harvard

City/Town

**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. N/A N/A  
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:

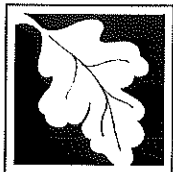
Division of Marine Fisheries -  
Southeast Marine Fisheries Station  
Attn: Environmental Reviewer  
836 South Rodney French Blvd.  
New Bedford, MA 02744  
Email: [dmf.envreview-south@mass.gov](mailto:dmf.envreview-south@mass.gov)

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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**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**

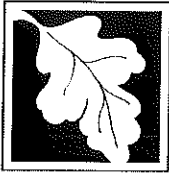
- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

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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**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.

Site Plan designed for Gerry & Carole Gaw

a. Plan Title

David E. Ross Associates, Inc.

Daniel B. Wolfe, P.E.

b. Prepared By

c. Signed and Stamped by

March 7, 2024

1"=20'

d. Final Revision Date

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:

591

2-23-24

2. Municipal Check Number

3. Check date

592

2-23-24

4. State Check Number

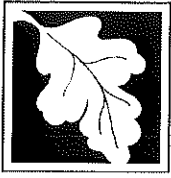
5. Check date

Gerald & Carole

Gaw

6. Payor name on check: First Name

7. Payor name on check: Last Name



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

MassDEP File Number

Document Transaction Number

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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	<i>Denise B. Wolf, AS ABENT</i>	2. Date	<i>3-12-24</i>
3. Signature of Property Owner (if different)	<i>SEE AUTHORIZATION LETTER, ATTACHED</i>	4. Date	<i>3-12-24</i>
5. Signature of Representative (if any)	<i>Denise B. Wolf</i>	6. Date	<i>3-12-24</i>

**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:**

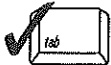
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

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:

4 Wilroy Avenue

a. Street Address

592

c. Check number

Harvard

b. City/Town

\$237.50

d. Fee amount

### 2. Applicant Mailing Address:

Gerald & Carole

a. First Name

Gaw

b. Last Name

c. Organization

3 Hillside Avenue

d. Mailing Address

Clinton

e. City/Town

MA

f. State

01510

g. Zip Code

978-798-8163

h. Phone Number

i. Fax Number

ggaw@comcast.net

j. Email Address

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

a. First Name

b. Last Name

Willard Shores, Inc.

c. Organization

P.O. Box 424

d. Mailing Address

Bolton

e. City/Town

MA

f. State

01740

g. Zip Code

978-798-8163

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.

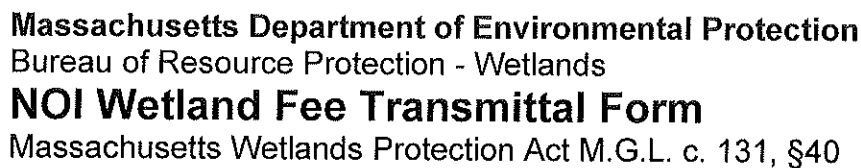
**Step 2/Number of Activities:** Identify the number of each type of activity.

**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.



Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Single-Family Home construction (Category 1)	1	\$500	\$500
Step 5/Total Project Fee:			\$500

Total Project Fee:	<u>\$500</u>
	a. Total Fee from Step 5
State share of filing Fee:	<u>\$237.50</u>
	b. 1/2 Total Fee <b>less</b> \$12.50
City/Town share of filling Fee:	<u>\$262.50</u>
	c. 1/2 Total Fee <b>plus</b> \$12.50

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.

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.

noifeetf.doc • Wetland Fee Transmittal Form • rev. 10/11

## WPA Attachment A.

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

---

### **Proposed Project Description**

**Project Location: 4 Wilroy Avenue, Harvard, MA.**

**Applicant: Gerald & Carole Gaw**

**Project No. 34406**

This project is for the demolition and reconstruction of a single-family home within the 100-foot buffer zone of Bare Hill Pond. This new home is to be placed within the same general footprint (30' x 40') as the existing home with the addition of a covered walkway and proposed 2-car garage. A paved driveway will also be installed with the majority of this surface area being placed outside of the 100-foot buffer zone. The existing concrete block retaining walls will be kept in place and supplemented with a new railing system. The existing patio area adjacent to the retaining wall, on the east side of the proposed house, will be finished with a brick paver surface. All other disturbed areas will be loamed and seeded for stabilization. All work is proposed within the limit of work area defined by the erosion control barriers, detailed on the enclosed Site Plan.

#### **Wetland Delineation Data:**

By David E. Ross Associates, Inc., January 15, 2024

The Bordering Vegetated Wetland was defined by the mean-annual high-water line (top of bank) associated with Bare Hill Pond. The top of bank was identified by the first observable break in the slope along the steep bank down to the pond. This mean-annual high-water line was plotted and shown on the proposed Site Plan (Plan No. L-14734).

#### **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.



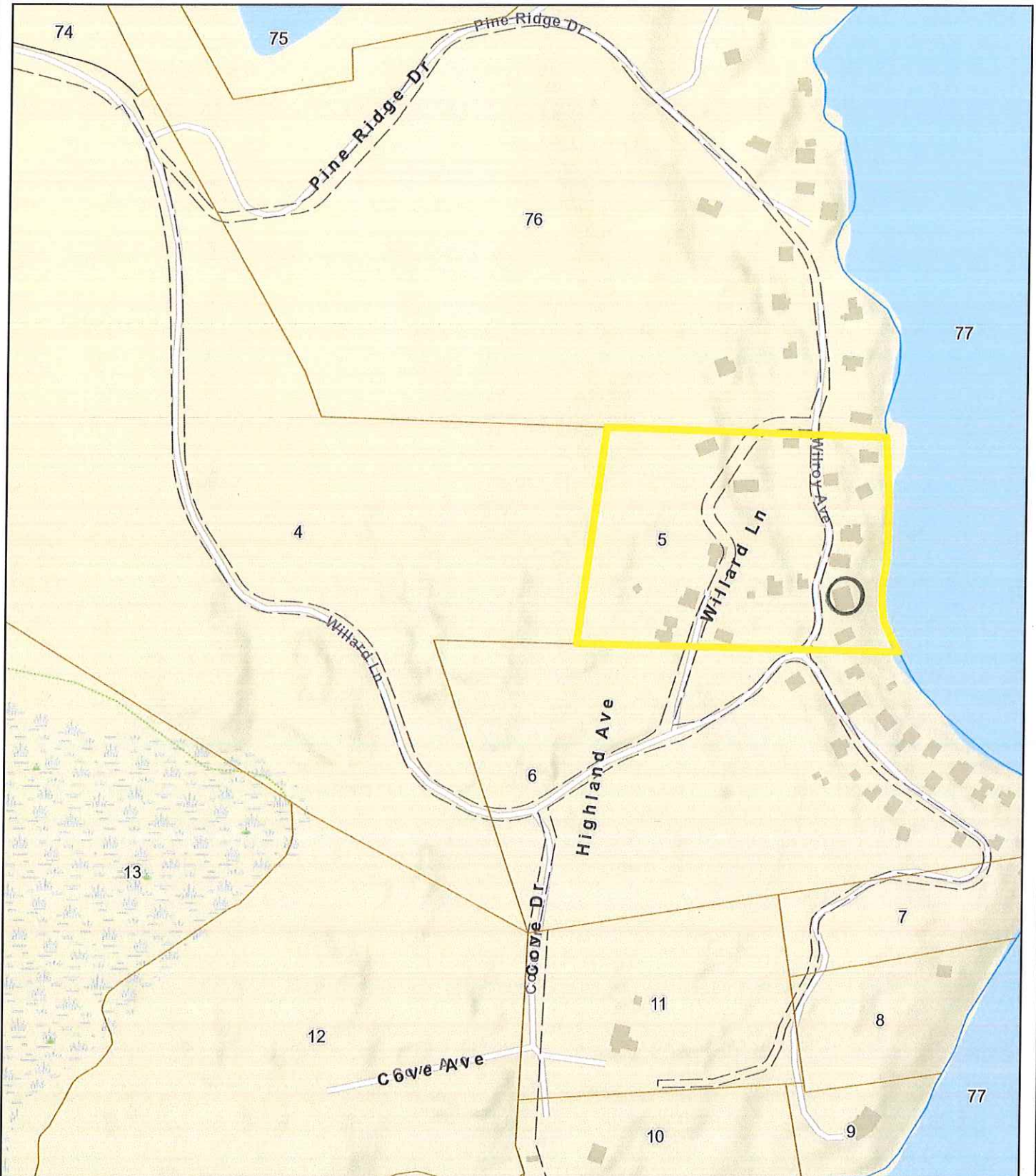
Town of Harvard, MA

1 inch = 278 Feet



www.cai-tech.com

March 7, 2024



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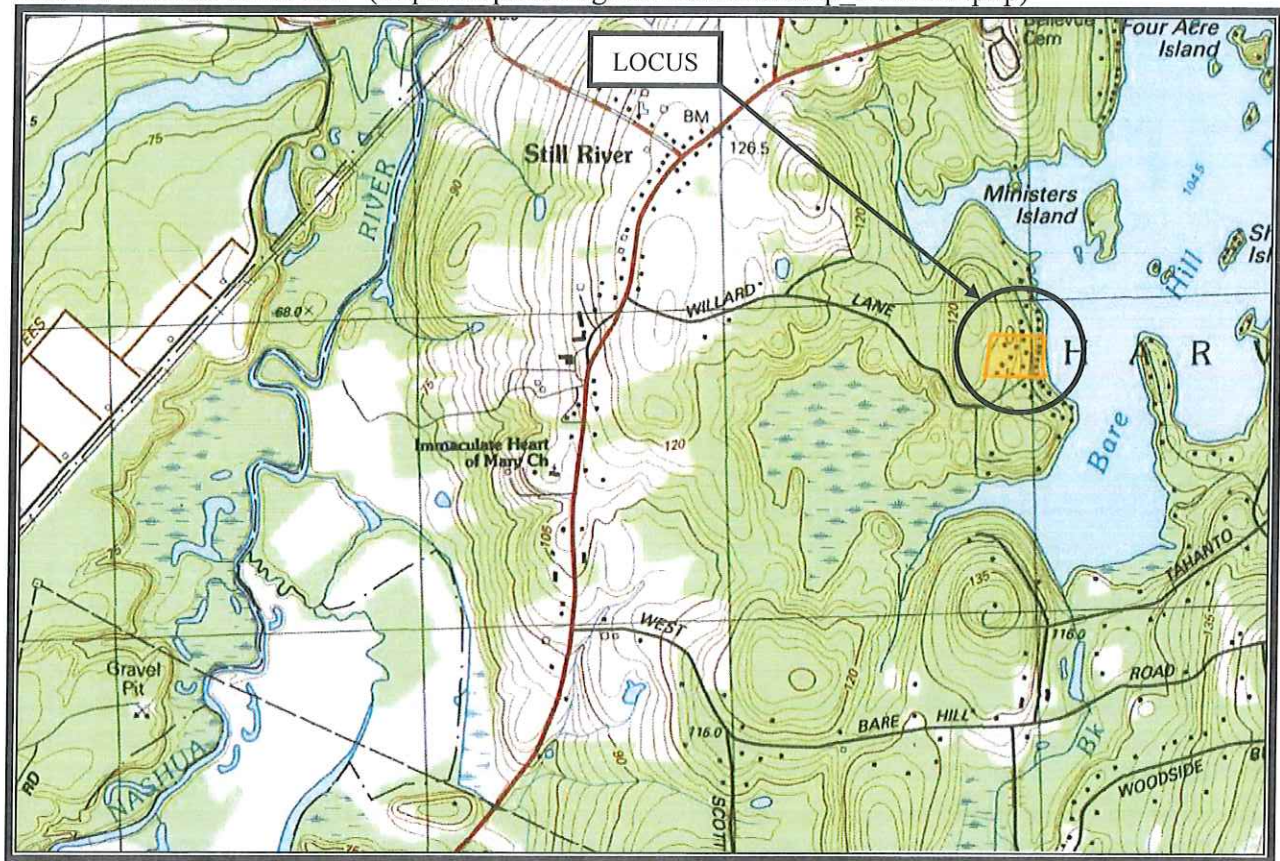
# DAVID E. ROSS ASSOCIATES, INC.

*Civil Engineers, Land Surveyors, Environmental Consultants*

## USGS

Site: #4 Wilroy Avenue – Harvard, MA 01451  
(Map 26 – Parcel 5)

Source: Current Mass GIS ([http://maps.massgis.state.ma.us/map\\_ol/oliver.php](http://maps.massgis.state.ma.us/map_ol/oliver.php))





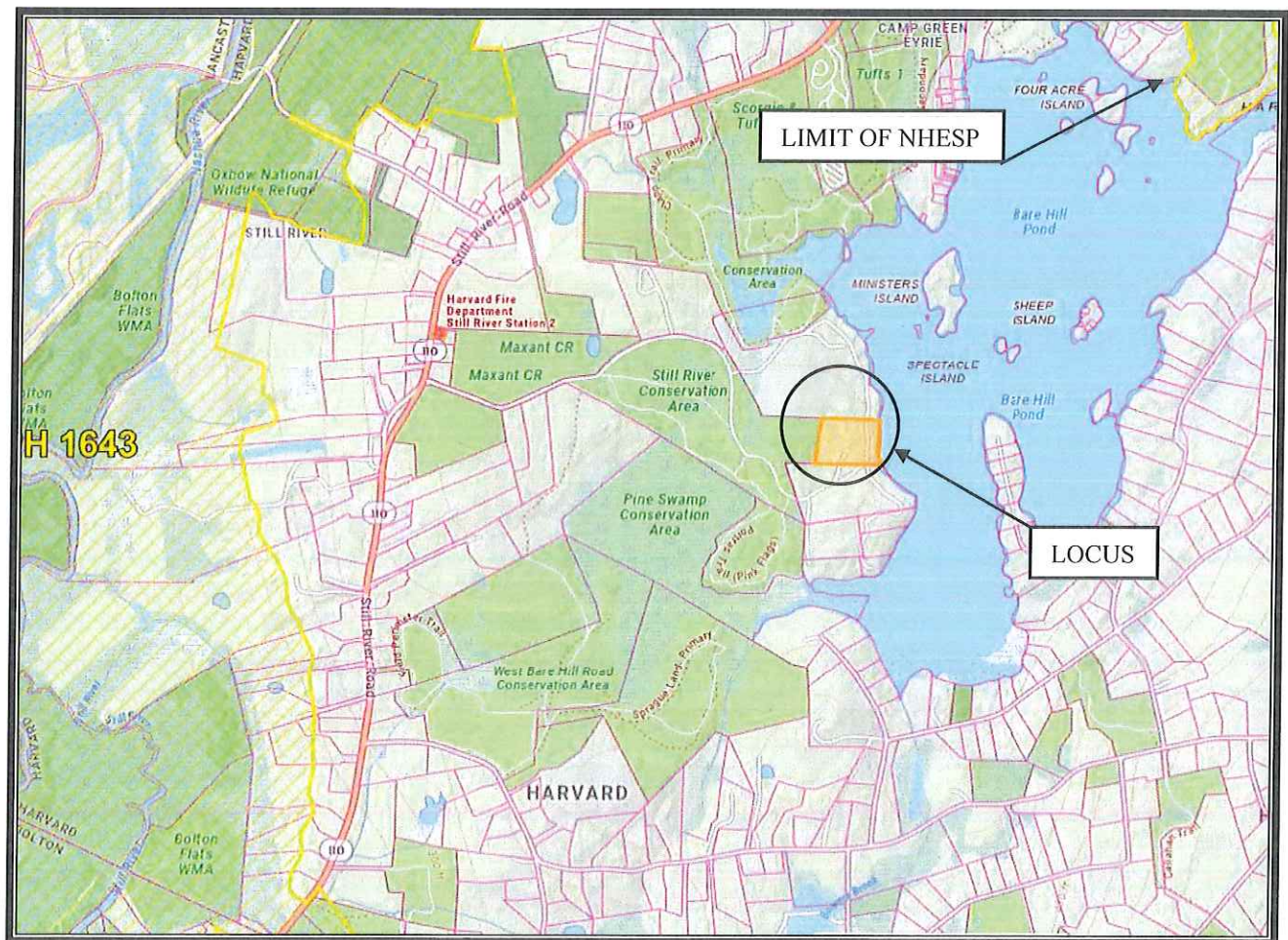
# DAVID E. ROSS ASSOCIATES, INC.

*Civil Engineers, Land Surveyors, Environmental Consultants*

## NHESP

Site: #4 Wilroy Avenue – Harvard, MA 01451  
(Map 26 – Parcel 5)

Source: Current Mass GIS ([http://maps.massgis.state.ma.us/map\\_ol/oliver.php](http://maps.massgis.state.ma.us/map_ol/oliver.php))





# National Flood Hazard Layer FIRMette

71°36'30"W 42°29'23"N



## Legend

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

Without Base Flood Elevation (BFE)  
*Zone A, V, AS5*

With BFE or Depth *Zone AE, AO, AH, VE, AR*

Regulatory Floodway

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

Future Conditions 1% Annual Chance Flood Hazard *Zone X*

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

Area with Flood Risk due to Levee *Zone D*

NO SCREEN

Area of Minimal Flood Hazard *Zone X*

Effective LOMRs

Area of Undetermined Flood Hazard *Zone X*

Channel, Culvert, or Storm Sewer

Levee, Dike, or Floodwall

Cross Sections with 1% Annual Chance Water Surface Elevation

Coastal Transect

Base Flood Elevation Line (BFE)

Limit of Study

Jurisdiction Boundary

Coastal Transect Baseline

Profile Baseline

Hydrographic Feature

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 represent an authoritative property location.

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

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **3/7/2024 at 7:16 AM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

0 250 500 1,000 1,500 2,000 Feet 1:6,000 71°35'52"W 42°28'56"N

FORM A  
NOTICE OF FILING

DATE: March 12, 2024 RE: Property located at: 4 Wilroy Avenue  
FROM: Gerald & Carole Gaw  
(applicant)

Address: 3 Hillside Avenue, Clinton, MA 01510

Telephone: 978-798-8163

- A. Pursuant to the requirements of M.G.L. Chapter 131 §. 40 and /or the Harvard Wetlands Bylaw I am submitting herewith a complete copy of a Request for Determination of Applicability or an Application for a Harvard Wetland Permit. Copies of this complete application have been submitted as required under subsection 147-14 Notice to Town Boards by certified mail or hand delivery as follows:

	Date of Submittal
Conservation Commission (10 copies)	<u>3/12/24</u>
Department of Environmental Protection (2 copies)	<u>3/12/24</u>
_____	_____
_____	_____
_____	_____
_____	_____

(add boards as specified at time of filing)

- B. Have the abutters to the property on which the work is proposed, been notified about the filing of this application, on Form B? ☒ Yes (attach a certified list of abutters) ☐ No
- C. If the owner of the land is other than the Applicant, the owner must either sign this application in the space provided or provide written authorization for the Applicant to apply.

Owner's Signature SEE ATTACHED Date: \_\_\_\_\_

- D. Please check the appropriate box(s):

- ☐ Request for Determination of Applicability  
☒ Notice of Intent  
☐ Abbreviated Notice of Intent  
☐ Abbreviated Notice of Resource Area Delineation  
☐ Amendment of the Order of Conditions


- E. Have the appropriate Town filing fees been included? ☒ Yes ☐ No

To Whom It May Concern,

We, Gerard & Carole Gaw, the owners of the home at 4 Wilroy Avenue in Harvard, do hereby authorize Daniel B. Wolfe of David E. Ross Associates, Inc. to prepare any required applications to the Town of Harvard and to sign these applications on our behalf.

Thank you,

 3/2/2024  
Gerald M Gaw

 3/2/2024  
Carole M Gaw



**We, the board of directors of Willard Shores Inc, after reviewing the proposed removal of the structure at 4 Wilroy Ave, the proposed new dwelling and site plan, do approve this plan.**

**This letter is to certify that Willard Shore Inc does not object to the construction of the house and garage at 4 Wilroy Ave located within Willard Shores Inc.**

**We now state that the homeowner will comply with all state and local guidelines and the necessary documents to start and complete building construction.**

**Board of Directors,**

---

**Peter Hertel**

**14 Wilroy Ave**

**(77 Fort Pond Rd. Lancaster, Ma, 01523)**

**Greg Louis**

Digitally signed by Greg Louis  
DN: C=US,  
E=g-louis@galecityelectric.com, O=Gale  
City Electric, CN=Greg Louis  
Date: 2024.02.26 16:32:09-0500'

**02/26/2024**

---

**Gregory Louis**

**4 Highland Ave**

**(72 Almont St. Nashua, NH.03050)**

---

**Dennis Quinn**

**9 Wilroy Ave**

**(P.O. Box 102 StillRiver, Ma.01467)**

**We, the board of directors of Willard Shores Inc, after reviewing the proposed removal of the structure at 4 Wilroy Ave, the proposed new dwelling and site plan, do approve this plan.**

**This letter is to certify that Willard Shore Inc does not object to the construction of the house and garage at 4 Wilroy Ave located within Willard Shores Inc.**

**We now state that the homeowner will comply with all state and local guidelines and the necessary documents to start and complete building construction.**

**Board of Directors,**

---

**Peter Hertel**

**14 Wilroy Ave**

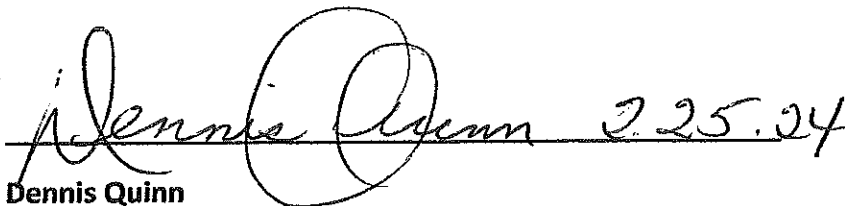
**(77 Fort Pond Rd. Lancaster, Ma, 01523)**

---

**Gregory Louis**

**4 Highland Ave**

**(72 Almont St. Nashua, NH.03050)**

A handwritten signature in black ink, appearing to read "Dennis Quinn", is written over a horizontal line. To the right of the signature, the date "2.25.24" is handwritten.

**Dennis Quinn**

**9 Wilroy Ave**

**(P.O. Box 102 StillRiver, Ma.01467)**

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

DATE: March 12, 2024 Certified Mail # \_\_\_\_\_

or Date of Hand Delivery: \_\_\_\_\_

TO: \_\_\_\_\_  
(abutter) (address)

FROM: Gerald & Carole Gaw, 3 Hillside Avenue, Clinton, MA 01510 978-798-8163  
(applicant) (address) (Telephone No.)

RE: Property identified on Harvard Assessors Map # 26 Parcel 5  
The address of the lot where the activity is proposed is:  
4 Wilroy Avenue, Harvard, MA

Pursuant to the requirements of the Harvard Wetlands Protection Bylaw and the second paragraph of Massachusetts General Laws Chapter 131 §40, you are hereby notified that the following forms have been filed with the Harvard Conservation Commission:

X A Notice of Intent or Abbreviated Notice of Intent seeking permission to conduct one or more of the following, remove, fill, dredge, or alter an Area Subject to Protection Under the Wetlands Protection Act (General Laws Chapter 131, §40) and the Harvard Wetlands Protection Bylaw (Chapter 119 of the Code of the Town of Harvard).

\_\_\_\_\_ An Abbreviated Notice of Resource Area Delineation for confirmation of the delineation of a Bordering Vegetated Wetland (BVW) for projects in the buffer zone under the Wetlands Protection Act (General Law Chapter 131, § 40) and the Harvard Wetlands Protection Bylaw (Chapter 119 of the Code of the Town of Harvard).

\_\_\_\_\_ A Request for Determination of Applicability of the Harvard Wetlands Protection Bylaw (Chapter 119 of the Code of the Town of Harvard) and the State Wetlands Protection Act (General Laws Chapter 131, §40)

\_\_\_\_\_ Amendment to the Order of Conditions under the Harvard Wetland Bylaw (Chapter 119 of the Code of the Town of Harvard)

The Harvard Wetlands Protection Bylaw defines abutters as those persons whose property is within 300 feet of the boundary of the property or whose property lies across a traveled way or railroad bed from the property identified above. Notices shall be sent to the most recent owner of the property according to the most recent Assessors record. The list of abutters shall be certified by the Board of Assessors.

The Harvard Conservation Commission will hold a public hearing on the filing within twenty-one (21) days upon receipt of the complete application. Notice of this public hearing will be given at least five (5) days prior to the hearing, in a local newspaper, as well as appear on the Town of Harvard website at [www.harvard.ma.us](http://www.harvard.ma.us).

Plans for this project and a copy of the application are on file with the Land Use Board Office. Copies may be obtained from the Applicant's Representative by calling the following telephone number 978-772-6232 between the hours of 8 am and 4 pm on the following days of the week Monday - Friday.

The hearing can be subsequently continued 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 12, 2024

To: Harvard Conservation Commission

From: Gerald & Carole Gaw  
(name of petitioner)

3 Hillside Avenue, Clinton, MA 01510  
(address of petitioner)

RE: Harvard Wetlands Rules and Regulations

Request for Waiver

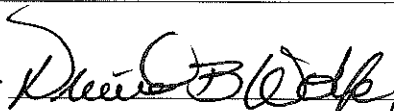
Pursuant to the provisions of §147-3 of the Regulations for the administration of The Harvard Wetlands Protection Bylaw, I hereby request a waiver from the Commission for compliance with the following section of the regulations:

147-12 SETBACKS - See Attached Narrative dated March 12, 2024.

The waiver is requested for the following reason(s):

See Attached Narrative dated March 12, 2024.

Signature of petitioner

  
AS AGENT

Telephone # 781-475-8524

# DAVID E. ROSS ASSOCIATES, INC.

---

March 12, 2024 *Civil Engineers, Land Surveyors, Environmental Consultants*

Harvard Conservation Commission  
15 Elm Street  
Harvard, MA 01451

Re: Gerald & Carole Gaw, 4 Wilroy Avenue, Harvard  
Site Plan No. L-14734  
Project No. 34406

Dear Commission Members:

On behalf of our clients, Gerald and Carole Gaw, we want to present our proposed project to you along with our justification of the waivers that we are requesting to your local Wetland Bylaws.

Our overall plans include the demolition and reconstruction of a single-family home. This new home is to be placed within the same general footprint as the existing home, with the addition of a covered walkway and proposed 2-car garage. We feel it is important to point out that the existing concrete block retaining wall is to be retained and no work is proposed closer to the resource area than this existing wall. The area on top of the wall which currently supports a patio/sitting area will be improved with a pervious brick paver system for more stability and ease of maintenance.

Due to these existing features of the property, along with our desire to make the various improvements defined, we are asking for your consideration in granting the following waivers, relative to 147-12 (Setbacks):

1. No Structures within 75 feet of the Resource Area. This proposal seeks to reconstruct the existing single-family home in the same footprint as the original home which is approximately 56-feet from the resource area (Bare Hill Pond). Additionally, a covered deck is also proposed to extend over the patio which will require five (5) supporting posts to be placed within the existing patio area.
2. No Disturbances within 50 feet of the Resource Area. As described above, we intend to keep the existing retaining wall in place, but improvements are proposed to the patio surface and the existing railing system at the top of the wall. This work will require temporary disturbances that will be made approximately 38 feet to the pond. This work is performed to upgrade the existing features of the existing wall and patio. We are also proposing to install one (1) of the supporting posts for the covered deck, 48 feet from the pond, on the southeasterly corner.

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

Very truly yours,  
DAVID E. ROSS ASSOCIATES, INC.

By:

  
Daniel B. Wolfe, P.E.



FORM D  
PERMISSION FOR ACCESS

TO: Harvard Conservation Commission  
13 Ayer Road  
Harvard, MA 01451

From: Gerald & Carole Gaw

3 Hillside Avenue

Clinton, MA 01510

Pursuant 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 Applicability, Notice of Intent, Abbreviated Notice of Intent, Abbreviated Notice of a Resource Area Delineation or an Amendment to the Order of Conditions any time from the receipt of such notice through the issuance of a Certificate of Compliance, Negative Determination, expiration of a Positive Determination and/or an Order of Resource Area Delineation.

Signed: \_\_\_\_\_

*Owner or Authorized Applicant from Form A part C*

Date \_\_\_\_\_

3-12-24

FORM E

PERMISSION TO BILL APPLICANT DIRECTLY FOR LEGAL NOTICE

TO: Harvard Conservation Commission  
13 Ayer Road  
Harvard, MA 01451

FROM: Gerald & Carole Gaw

3 Hillside Avenue

Clinton, MA 01510

I hereby authorize Harvard Press to bill me directly for the legal notice published for a public hearing with the Harvard Conservation Commission.

Signed: Debra B. Wolf, As Agent Date 3-12-24  
*Owner or Authorized Applicant from Form A part C*

# FORM F

Wetland filing fees calculation worksheet for work in resource areas

	Fee	Total
<b><u>Notice of Intent Fees</u></b>		
1) <i>Single family</i>		
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	_____
New Construction or alteration involving 1500 sf or more of total construction	\$900.00	<u>\$900</u>
2) <i>Subdivision/mini Subdivision</i>		
Roads and Utilities only	\$1,500.00	_____
Multifamily/Condominium Structures construction	\$1,500.00	_____
3) <i>Commercial or Industrial Projects</i>	\$1,500.00	_____
<b><u>Additional charges under a Notice of Intent for disturbance within the buffer zone</u></b>		
1) Disturbance within the buffer zone	<u>5,200</u> sf	x 0.25 = <u>\$1,300</u>
2) Confirmation delineated wetland line	<u>80</u> linear ft	x 0.50 = <u>\$40</u>
3) Alteration or replication of wetlands	_____ sf	x 1.00 = _____
<b>TOTAL FILING FEE</b>		<u>\$2,240.00</u>
<b>Fee doubled if Notice of Intent is filed after work began or an Enforcement Order was issued</b> _____		
<b><u>Other fees</u></b>		
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	_____
Request for an Emergency Certification Form	\$200.00	_____
Request for Certificate of Compliance with Expired OOC or Partial Certificate of Compliance	\$125.00	_____
Request for Determination of Applicability (RDA)	\$100.00	_____
Abbreviated Notice of Resource Area Delineation (ANRAD) (Minimum \$100.00, Maximum \$1,500.00)	_____ linear ft	x \$1.50= _____
<b>TOTAL FEE PAYABLE TO THE TOWN OF HARVARD</b>		<u>\$2,240.00</u>

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, **Daniel B. Wolfe**, hereby certify under the pains and penalties of perjury that on **March 12, 2024**, 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 **Gerald & Carole Gaw** with the Harvard Conservation Commission for property located at **4 Wilroy Avenue.**

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 Phineas B. Wolf Date 3-12-24



## Abutters List Report

Town of Harvard, MA

Date: January 18, 2024

Parcel Number: 026-005-000-000

Property Address: Willard Shores, Inc. - Bare Hill Pond

Abutters To: 300ft Direct Abutters

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: \_\_\_\_\_

1/18/24

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](http://www.harvard-ma.gov)



# WILLARD SHORES, INC. , - BARE HILL POND

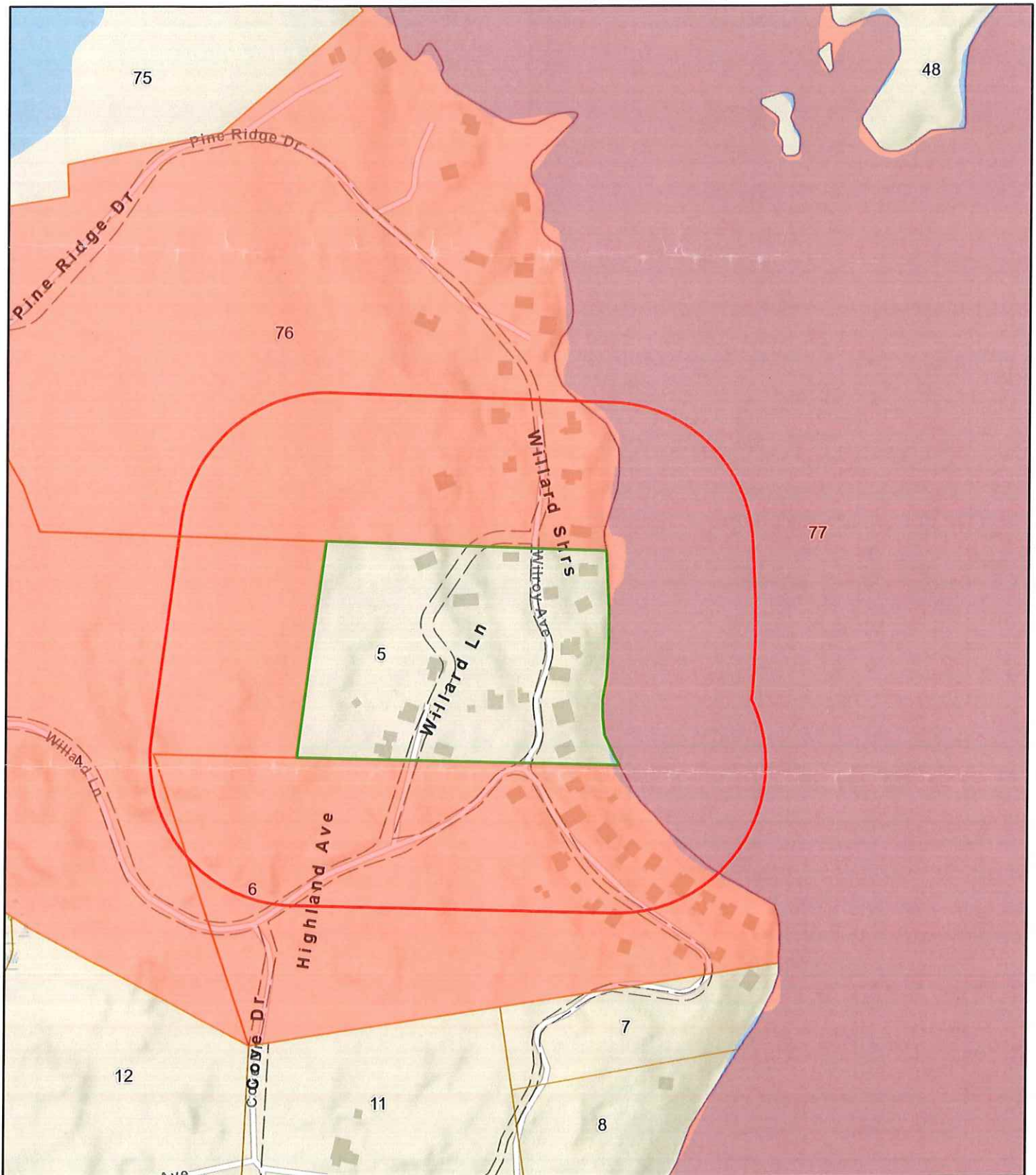
Town of Harvard, MA

1 inch = 278 Feet



[www.cai-tech.com](http://www.cai-tech.com)

January 18, 2024



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# 300 feet Abutters List Report

Harvard, MA  
January 18, 2024

## Subject Property:

Parcel Number: 026-005-000-000  
CAMA Number: 026-005-000-000  
Property Address: BARE HILL POND

Mailing Address: WILLARD SHORES INC  
PO BOX 424  
BOLTON, MA 01740

---

## Abutters:

Parcel Number: 021-076-000-000  
CAMA Number: 021-076-000-000  
Property Address: BARE HILL POND

Mailing Address: STILL RIVER REALTY TR  
PO BOX 128  
STILL RIVER, MA 01467

Parcel Number: 021-077-000-000  
CAMA Number: 021-077-000-000  
Property Address: BARE HILL POND

Mailing Address: HARVARD, TOWN OF  
13 AYER RD  
HARVARD, MA 01451

Parcel Number: 026-004-000-000  
CAMA Number: 026-004-000-000  
Property Address: BARE HILL POND

Mailing Address: HARVARD, TOWN OF, CONSERVATION  
13 AYER RD  
HARVARD, MA 01451

Parcel Number: 026-006-000-000  
CAMA Number: 026-006-000-000  
Property Address: CLINTON SHORE DR

Mailing Address: CLINTON SHORE DR ASSOCIATION  
PO BOX 63  
STILL RIVER, MA 01467

Parcel Number: 026-006-000-000  
CAMA Number: 026-2506-000-000  
Property Address: 111 CLINTON SHORE DR

Mailing Address: BAER, GARRY R & DIANA R, TTEES  
237 WHEELER ROAD  
ASHBY, MA 01431

Parcel Number: 026-006-000-000  
CAMA Number: 026-2706-000-000  
Property Address: 113 CLINTON SHORE DR

Mailing Address: BARRY A. JORDAN  
PO BOX 82  
STILL RIVER, MA 01467

Parcel Number: 026-006-000-000  
CAMA Number: 026-2806-000-000  
Property Address: 112 CLINTON SHORE DR

Mailing Address: CUMMINS, ROBERT C & PANASEVICH  
C, KAREN  
PO BOX 47  
STILL RIVER, MA 01467

Parcel Number: 026-006-000-000  
CAMA Number: 026-2906-000-000  
Property Address: 115 CLINTON SHORE DR

Mailing Address: STROLLER, RICHARD A.  
115 CLINTON SHORE DR UNIT #29  
HARVARD, MA 01451

Parcel Number: 026-006-000-000  
CAMA Number: 026-3006-000-000  
Property Address: 114 CLINTON SHORE DR

Mailing Address: BERGEN, JOSEPH  
173 LITTLETON CNTY RD  
HARVARD, MA 01451

Parcel Number: 026-006-000-000  
CAMA Number: 026-3106-000-000  
Property Address: 117 CLINTON SHORE DR

Mailing Address: SIMARD, WILLIAM & LINDA  
117 CLINTON SHORE DR  
HARVARD, MA 01451



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1/18/2024

Page 1 of 2



# 300 feet Abutters List Report

Harvard, MA  
January 18, 2024

Parcel Number:	026-006-000-000	Mailing Address:	NEE, ANDREA M
CAMA Number:	026-3206-000-000		22 ARTHUR ST
Property Address:	116 CLINTON SHORE DR		CLINTON, MA 01510
Parcel Number:	026-006-000-000	Mailing Address:	BLOWER, BRADLEY
CAMA Number:	026-3306-000-000		7417 BUFFALO AVE
Property Address:	119 CLINTON SHORE DR		TAKOMA PARK, MD 20912
Parcel Number:	026-006-000-000	Mailing Address:	LONG, ANDREA LYNN
CAMA Number:	026-3406-000-000		118 CLINTON SHORE DR, UNIT 34
Property Address:	118 CLINTON SHORE DR		HARVARD, MA 01451
Parcel Number:	026-006-000-000	Mailing Address:	STAMSKI, BRUCE M & PLATT,
CAMA Number:	026-3506-000-000		ALEXANDER D, TTEES
Property Address:	125 CLINTON SHORE DR		PO BOX 157
			STILL RIVER, MA 01467
Parcel Number:	026-006-000-000	Mailing Address:	ORR, JEFFREY F
CAMA Number:	026-3606-000-000		PO BOX 2
Property Address:	122 CLINTON SHORE DR		STILL RIVER, MA 01467
Parcel Number:	026-006-000-000	Mailing Address:	STAMSKI, BRUCE M., MACKNIGHT,
CAMA Number:	026-3706-000-000		REBECCA E., STAMSKI,
Property Address:	121 CLINTON SHORE DR		PO BOX 157
			STILL RIVER, MA 01451
Parcel Number:	026-006-000-000	Mailing Address:	MITCHELL, VERILYN
CAMA Number:	026-3806-000-000		15 OTIS ST
Property Address:	131 CLINTON SHORE DR		CLINTON, MA 01510
Parcel Number:	026-006-000-000	Mailing Address:	GARDNER, MICHAEL JOSEPH
CAMA Number:	026-3906-000-000		28 HIDDEN BROOK DR
Property Address:	123 CLINTON SHORE DR		STAMFORD, CT 06907
Parcel Number:	026-006-000-000	Mailing Address:	O'TOOLE, DAVID R & MICHAEL J JR
CAMA Number:	026-4106-000-000		61 ST ANDREWS DR
Property Address:	127 CLINTON SHORE DR		CLIFTON PARK, NY 12065 1210
Parcel Number:	026-006-000-000	Mailing Address:	CARLISLE HARVARD NOMINEE TRUST
CAMA Number:	026-4306-000-000		7 PROVIDENCE PLACE
Property Address:	129 CLINTON SHORE DR		LEXINGTON, VA 24450



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1/18/2024

Page 2 of 2