

MATTHEW S. MARRO ENVIRONMENTAL CONSULTING

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A Notice of Intent 351 Ayer Road Harvard, MA 01462

Environmental Analysis Submitted on Behalf of Yellow Boots Realty Trust

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March 2024

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Introduction

Summary

351 Ayer Road is a single-family home sitting on a 2.1-acre lot. The project proposal is for the replacement of a septic (septic line only) within the 100-foot buffer zone. (WPA portion only) Analysis of the lot reveals, excavation and minimal grading to accommodate the septic line is within the limits of the 100-foot buffer zone. No work is proposed within the limits of a bordering vegetated wetland. There will be no trees to be removed within the 100 foot buffer zone. Work will take place within an existing developed area within the buffer zone to accommodate the replacement, to be approved by the Board of Health, in Compliance with Title V. This proposal of a septic replacement (line only) within the buffer zone necessitates the filing of a Notice of Intent. There is also 3,500 square feet of restoration work within the buffer zone of a local wetland noted on the plans referenced within the Notice of Intent. Vegetation was removed within the local buffer zone that will require a waiver from local regulation. The specifications of the replanting details are also noted on the plan by McCarty Engineering. The rain garden proposed as a restoration area, although not actual wetland area, shall be installed and monitored as required under local wetland regulation section 147-28, paragraphs H-L.

Specifics of the lot

The lot is a 2.1-acre lot with approximately 75% of the lot being developed. The lot does not contain flood plain according to the FEMA FIRMette. There is not a certified vernal pool, an area of Critical Environmental Concern nor rare species habitat present. The lot does contain river front according to the enclosed USGS map. There is no bordering or local isolated vegetated wetland on this property. No other resource area was found on this site. The restoration area has been optimally sited to allow for a restoration of a vegetative buffer between the wetland systems between 349 and 355 Ayer Road that were previously delineated. The wetland at 349 is a wetland defined by local regulation. The work jurisdictional to the wetland protection act is for the septic replacement line. Work pertaining to the bylaw within the Notice of Intent is for the restoration, loaming and seeding of remaining open area and resurfacing of the pool within the existing footprint. The total disturbance is 3,800 square feet. It is noted that work will take place within the existing developed area. There is no expansion of existing structures nor new structures proposed.

Table of buffer zone impacts in square feet:

Component	Buffer Zone sq. ft.	TOTAL
Sewer main	300	
Rain Garden	3500	3800

Commencement of Construction Activities and Timelines:

All proposed construction is estimated to be completed through to stabilization in a two-year maximum construction/monitoring schedule. This schedule of course, may be adjusted due to weather related conditions.

Proposed Construction Mitigation and Sequencing

The formal plan submitted with this Notice of Intent is entitled "Proposed Site Improvement Plan. "by McCarty Engineering dated 3.14.24 1 inch = 20 feet scale.

The plan details outline a sequence of work as follows:

- Placement of erosion controls proposed in a manner to maximize protection to the resource area.
- Excavate site for new sewer main.
- Construction of Rain Garden.
- Restore disturbed lawn areas.
- Remove erosion controls once areas are stabilized.

Restoration Measures:

The following Restoration measures, as required under local wetland regulation section 147-28, paragraphs H-L, are proposed:

- The proposed replication area shall be excavated to a depth of one foot below the proposed final grade, as specified in the specification and plans submitted as part of the application and referred to in the order of conditions (OOC). The subsoil within the replication area shall be examined by the wetland scientist to determine whether it is fine-textured (fine sandy loam or finer, as defined by NRCS standards). If the subsoil is coarse-textured, it shall be replaced with fine-textured material to allow for the development of a capillary fringe between the groundwater and the soil surface.
- Following placement of topsoil a minimum of 48 hours shall pass prior to planting of wetland vegetation to allow for rebound of buried or compacted peat. The final grade shall be adjusted as necessary.
- The wetland scientist shall visit the replication area weekly following planting and seeding for the duration of the first growing season to determine the need for irrigation and additional fertilization and to inform the site contractor of these requirements.
- Erosion control structures shall be removed upon stabilization of the replication area to allow free circulation of water between the wetland replication area and the adjacent natural wetland
- The wetland scientist shall inspect the wetland replication area twice each year during late spring and during the mid- to late summer of the first two full growing seasons. A written report shall be submitted to the Commission at the end of each growing season.

Conclusion.

With the considerations of a limited and minimized work area, optimally located and proposed mitigation for the protection of the resource areas, it is the opinion of Marro Environmental Consulting, the proposal protects the resource areas from permanent alteration. It is noteworthy, the work is within a limited area of the lot and the remainder of the lot will remain in a similar condition as predevelopment. A standard Order of Conditions, adopting the construction sequence and mitigation noted on the accompanying plans is, in our opinion, sufficient to protect the interests of the resource areas and we hope the commission will agree with this assertion and, respectfully on behalf of Yellow Boots Realty Trust, will approve a standard Order of Conditions.

Thank you for your consideration of this Notice of Intent.

Respectfully Submitted,



Matthew S. Marro,
Consulting Agent/Principal

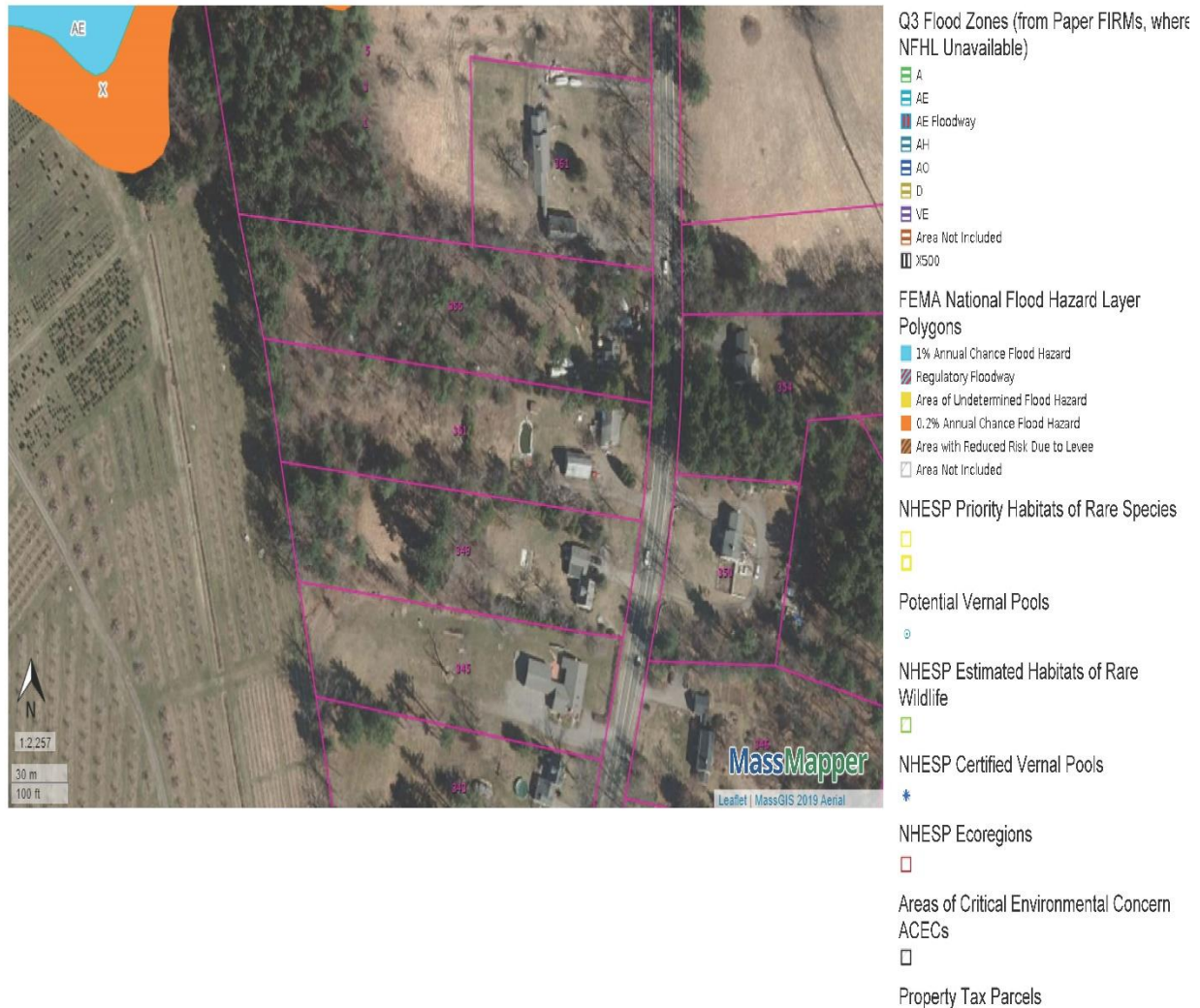
Cc: File

Client file

Mass DEP

GIS EXHIBITS

351 Ayer Road





351 Ayer Rd



March 18, 2024

Wetlands

	Estuarine and Marine Deepwater		Freshwater Emergent Wetland		Lake
	Estuarine and Marine Wetland		Freshwater Forested/Shrub Wetland		Other
			Freshwater Pond		Riverine

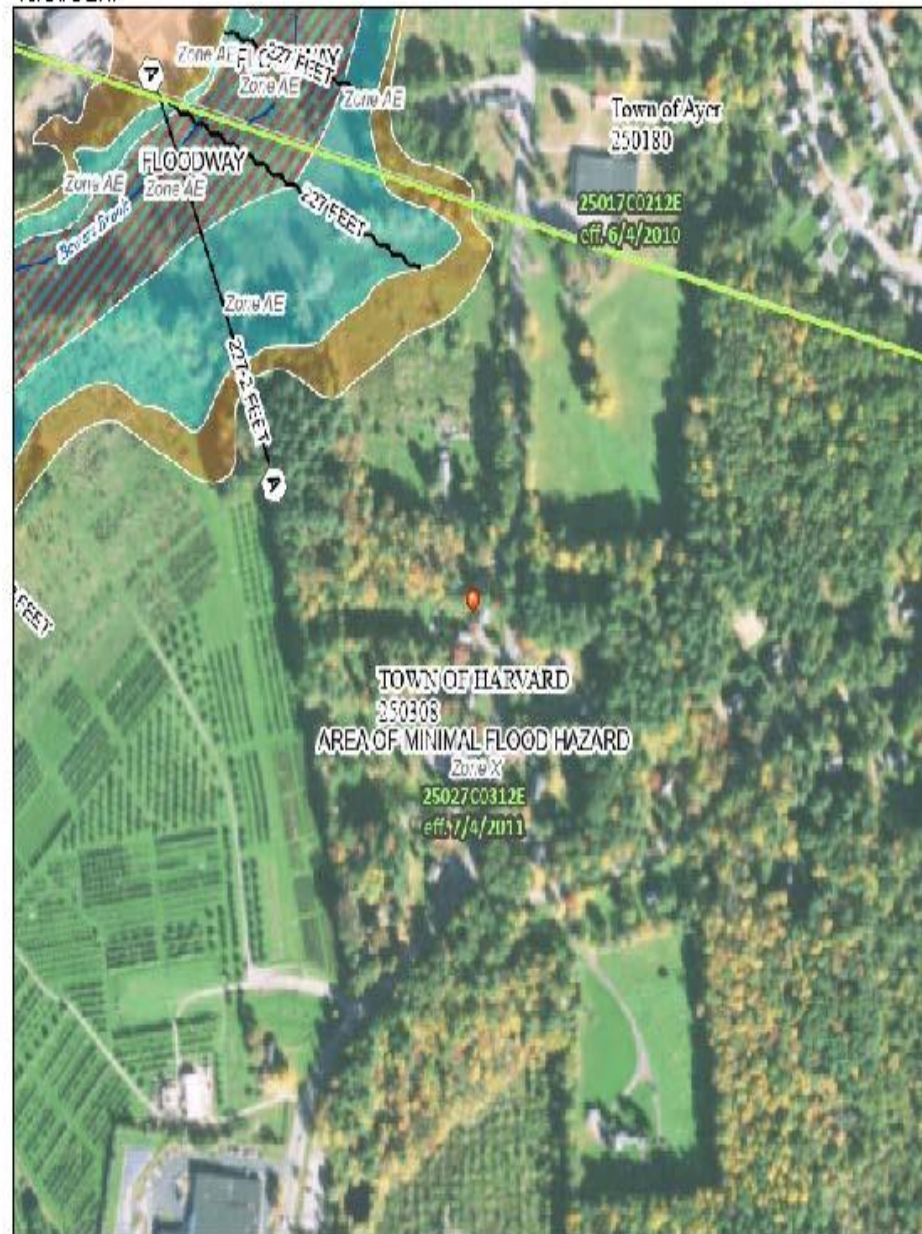
This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Wetlands Inventory (NWI)
This page was produced by the NWI mapper

National Flood Hazard Layer FIRMette



71°54'40"W 42°52'51"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000

Basemap Imagery Source: USGS National Map 2023

Legend

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

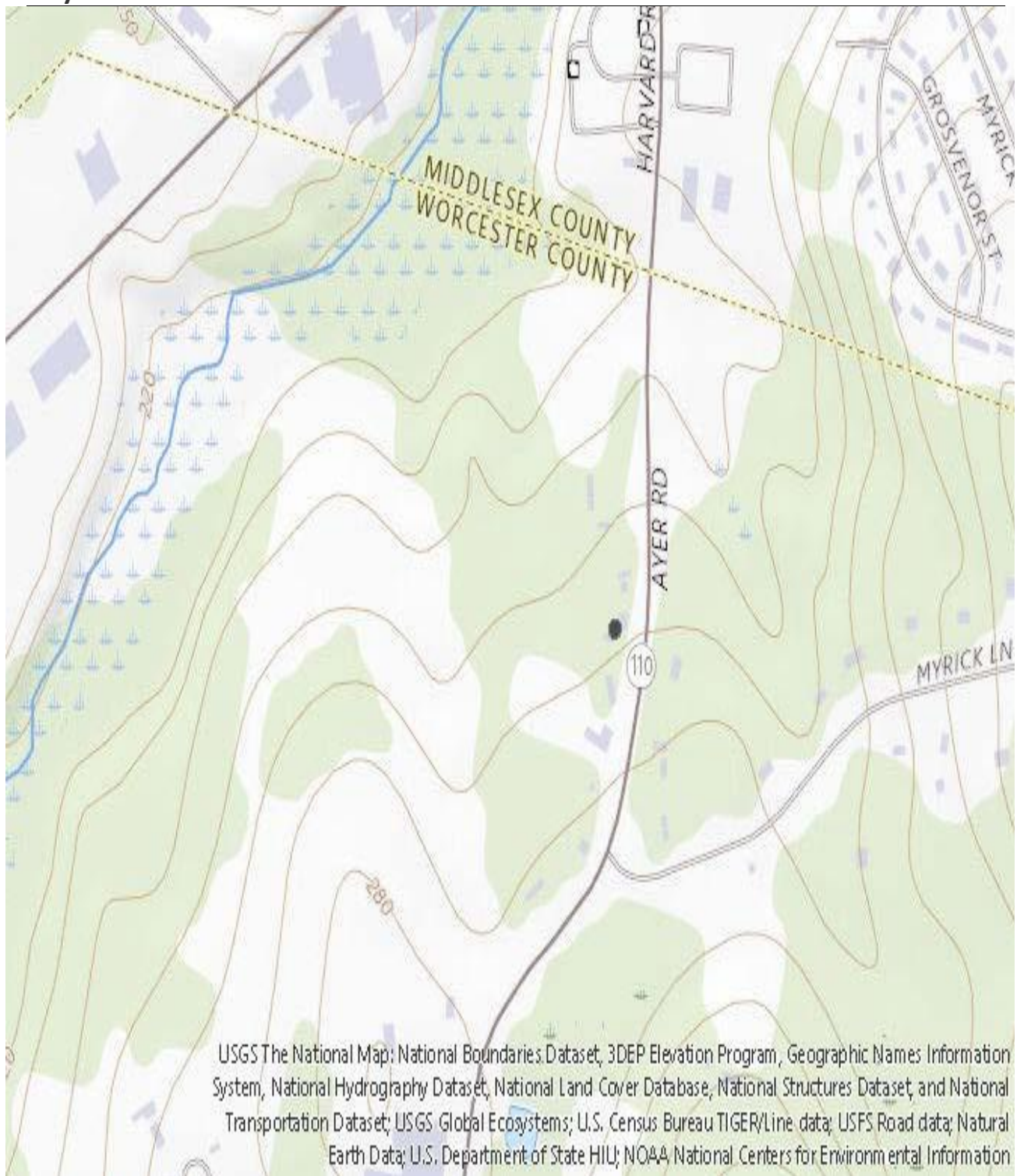


This map complies with FEMA's standards for the use of digital flood maps if it is not used as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was updated on 8/18/2024 at 8:18 PM and does not reflect changes or information 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 valid if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map control box, community information, FIR panel number, and FIR effective date. Map images for unmapped and uninformative areas should be used for regulatory purposes.

USGS LOCUS





Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 3 – Notice of Intent
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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.

A. General Information

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

351 Ayer Rd
a. Street Address
Harvard
b. City/Town
01451
c. Zip Code
Latitude and Longitude:
42.54661
d. Latitude
-71.57321
e. Longitude
2
f. Assessors Map/Plat Number
5
g. Parcel /Lot Number

2. Applicant:

Brian
a. First Name
Michalczyk
b. Last Name
Yellow Boots Realty Trust
c. Organization
62 Patterson Road
d. Street Address
Shirley
e. City/Town
MA
f. State
01464
g. Zip Code
978-302-8055
h. Phone Number
i. Fax Number
bmeexcavation@yahoo.com
j. Email Address

3. Property owner (required if different from applicant): ☐ Check if more than one owner

a. First Name
b. Last Name
c. Organization
d. Street Address
e. City/Town
f. State
g. Zip Code
h. Phone Number
i. Fax Number
j. Email address

4. Representative (if any):

Matthew S.
a. First Name
Marro
b. Last Name
Matthew S. Marro Environmental Consulting
c. Company
45 Lisa Drive
d. Street Address
Leominster
e. City/Town
MA
f. State
01453
g. Zip Code
978-314-7858
h. Phone Number
775-521-7083
i. Fax Number
matt@marro-consulting.com/irene@marro-consulting.com
j. Email Address

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

110
a. Total Fee Paid
42.50
b. State Fee Paid
67.50
c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

Refer to Narrative

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

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Single Family Home | 2. <input checked="" 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

64062

c. Book

b. Certificate # (if registered land)

141

d. Page Number

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

- ☒ 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.
- ☐ 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)

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

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

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: _____ square feet

4. Proposed alteration of the Riverfront Area:

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



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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.

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

March 2024 Mass
GIS

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 percentage/acreage
 - (b) outside Resource Area 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/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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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. 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:

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

North Shore - Hull to New Hampshire border:

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 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.

Proposed Site Improvement Plan

a. Plan Title

McCarty Engineering

Lawrence Greene

b. Prepared By

c. Signed and Stamped by

3.14.2024

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:

2. Municipal Check Number

3. Check date

4. State Check Number

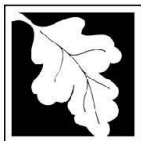
5. Check date

Matthew

Marro

6. Payor name on check: First Name

7. Payor name on check: Last Name



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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.

[Signature]

1. Signature of Applicant

03/19/24

2. Date

3. Signature of Property Owner (if different)

MS Marro

4. Date

updated 4.5.24

5. Signature of Representative (if any)

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.



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:

351 Ayer Rd Harvard
 a. Street Address b. City/Town
 42.50
 c. Check number d. Fee amount

2. Applicant Mailing Address:

Brian Michalczyk
 a. First Name b. Last Name
 Yellow Boots Realty Trust
 c. Organization
 62 Patterson Road
 d. Mailing Address
 Shirley MA 01464
 e. City/Town f. State g. Zip Code
 978-302-8055 bmeexcavation@yahoo.com
 h. Phone Number i. Fax Number j. Email Address

3. Property Owner (if different):

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.



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

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Cat 1 Septio Replacement	1	110	110

Step 5/Total Project Fee: _____

Step 6/Fee Payments:

Total Project Fee:	67.50
	a. Total Fee from Step 5
State share of filing Fee:	42.50
	b. 1/2 Total Fee less \$12.50
City/Town share of filing Fee:	67.50
	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.)

Assessor Record



Abutters List Report
Town of Harvard, MA

Date: March 14, 2024

Parcel Number: 002-005-000-000

Property Address: 351 Ayer Rd

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: 3/14/24

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



300 feet Abutters List Report

Harvard, MA
March 14, 2024

Subject Property:

Parcel Number: 002-005-000-000
CAMA Number: 002-005-000-000
Property Address: 351 AYER RD

Mailing Address: YELLOW BOOTS REALTY TRUST
62 PATTERSON RD
SHIRLEY, MA 01464

Abutters:

Parcel Number: 001-002-000-000
CAMA Number: 001-002-000-000
Property Address: AYER RD

Mailing Address: LDPL LLC
327 AYER RD
HARVARD, MA 01451

Parcel Number: 002-002-000-000
CAMA Number: 002-002-000-000
Property Address: 343 AYER RD

Mailing Address: DECOT, KATHLEEN M
343 AYER RD
HARVARD, MA 01451

Parcel Number: 002-003-000-000
CAMA Number: 002-003-000-000
Property Address: 345 AYER RD

Mailing Address: GILLARD GEOFFREY O & JENNIFER K
345 AYER RD
HARVARD, MA 01451

Parcel Number: 002-004-000-000
CAMA Number: 002-004-000-000
Property Address: 349 AYER RD

Mailing Address: HORNE, CHRISTOPHER
349 AYER RD
HARVARD, MA 01451

Parcel Number: 002-006-000-000
CAMA Number: 002-006-000-000
Property Address: 355 AYER RD

Mailing Address: DIPIETRO, ROBERT J JR & YULING L
PO BOX 612
HARVARD, MA 01451

Parcel Number: 002-007-000-000
CAMA Number: 002-007-000-000
Property Address: 361 AYER RD

Mailing Address: SWANSON, JOHN E, III & SHAW, LISA
A.R.
361 AYER RD
HARVARD, MA 01451

Parcel Number: 002-008-000-000
CAMA Number: 002-008-000-000
Property Address: AYER RD

Mailing Address: JOHN B WILSON
33 MYRICK LN
HARVARD, MA 01451

Parcel Number: 002-008-001-000
CAMA Number: 002-008-001-000
Property Address: 0 AYER RD

Mailing Address: WILSON, JOHN B & ELAINE M, TTE
33 MYRICK LN
HARVARD, MA 01451

Parcel Number: 002-009-000-000
CAMA Number: 002-009-000-000
Property Address: 354 AYER RD

Mailing Address: PRICE, GILLIAN D & KRUEGLER,
CHRISTOPHER
PO BOX 182
HARVARD, MA 01451

Parcel Number: 002-010-000-000
CAMA Number: 002-010-000-000
Property Address: 350 AYER RD

Mailing Address: MCATEER, LISA
350 AYER RD
HARVARD, MA 01451



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3/14/2024

Page 1 of 3

Abutters List Report - Harvard, MA



300 feet Abutters List Report

Harvard, MA
March 14, 2024

Parcel Number:	002-011-000-000	Mailing Address:	HEIM, FRANK JR & BARBARA S
CAMA Number:	002-011-000-000		346 AYER RD
Property Address:	346 AYER RD		HARVARD, MA 01451
Parcel Number:	002-015-000-000	Mailing Address:	WITTSTRUCK, TYLER
CAMA Number:	002-015-000-000		15 MYRICK LN
Property Address:	15 MYRICK LN		HARVARD, MA 01451
Parcel Number:	002-07C-000-000	Mailing Address:	DALEWOODS, LLC, TTEE
CAMA Number:	002-07C-000-000		206 AYER RD, SUITE 5
Property Address:	AYER RD		HARVARD, MA 01451
Parcel Number:	002-07C-000-000	Mailing Address:	BODDAPATI, ANUDEEP REDDY
CAMA Number:	002-07C-001-000		1 CORTLAND LN
Property Address:	1 CORTLAND LN		HARVARD, MA 01451
Parcel Number:	002-07C-000-000	Mailing Address:	CRAFTSMAN VILLAGE-HARVARD LLC
CAMA Number:	002-07C-002-000		5 COACHMAN RIDGE
Property Address:	3 CORTLAND LN		SHREWSBURY, MA 01545
Parcel Number:	002-07C-000-000	Mailing Address:	PANG, JIMMY
CAMA Number:	002-07C-003-000		5 CORTLAND LN
Property Address:	5 CORTLAND LN		HARVARD, MA 01451
Parcel Number:	002-07C-000-000	Mailing Address:	KRISHNAN, RAMKUMAR
CAMA Number:	002-07C-004-000		2 BRAEBURN CT
Property Address:	2 BRAEBURN CT		HARVARD, MA 01451
Parcel Number:	002-07C-000-000	Mailing Address:	THIBODEAU, JILLIAN
CAMA Number:	002-07C-005-000		4 BRAEBURN CT
Property Address:	4 BRAEBURN CT		HARVARD, MA 01451
Parcel Number:	002-07C-000-000	Mailing Address:	TARIQ, ASMA
CAMA Number:	002-07C-006-000		6 BRAEBURN CT
Property Address:	6 BRAEBURN CT		HARVARD, MA 01451
Parcel Number:	002-07C-000-000	Mailing Address:	PATIL, UPENDRA
CAMA Number:	002-07C-007-000		1 BRAEBURN CT
Property Address:	1 BRAEBURN CT		HARVARD, MA 01451
Parcel Number:	002-07C-000-000	Mailing Address:	VANNAM, RAGHU
CAMA Number:	002-07C-008-000		3 BRAEBURN CT
Property Address:	3 BRAEBURN CT		HARVARD, MA 01451
Parcel Number:	002-07C-000-000	Mailing Address:	AYAD, YOUSSEF MORKOS
CAMA Number:	002-07C-009-000		5 BRAEBURN CT
Property Address:	5 BRAEBURN CT		HARVARD, MA 01451



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3/14/2024

Page 2 of 3

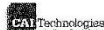
Abutters List Report - Harvard, MA



300 feet Abutters List Report

Harvard, MA
March 14, 2024

Parcel Number: 002-07C-000-000	Mailing Address: SHARMA, NAVEEN K.
CAMA Number: 002-07C-010-000	7 BRAEBURN CT
Property Address: 7 BRAEBURN CT	HARVARD, MA 01451
Parcel Number: 002-07C-000-000	Mailing Address: GOPALA KRISHNA JARUGUMILLI
CAMA Number: 002-07C-011-000	2 BALDWIN CT
Property Address: 2 BALDWIN CT	HARVARD, MA 01451
Parcel Number: 002-07C-000-000	Mailing Address: SATYENDRA KUMAR MALEMPATI
CAMA Number: 002-07C-012-000	4 BALDWIN CT
Property Address: 4 BALDWIN CT	HARVARD, MA 01451
Parcel Number: 002-07C-000-000	Mailing Address: VARANKESH, MOHAMMADREZA
CAMA Number: 002-07C-013-000	MOHAMMADPOUR
Property Address: 6 BALDWIN CT	6 BALDWIN CT
	HARVARD, MA 01451
Parcel Number: 002-07C-000-000	Mailing Address: SHARMA, YOGESHWAR
CAMA Number: 002-07C-014-000	8 BALDWIN CT
Property Address: 8 BALDWIN CT	HARVARD, MA 01451
Parcel Number: 002-07C-000-000	Mailing Address: ROWSE, STEVEN D.
CAMA Number: 002-07C-015-000	10 BALDWIN CT
Property Address: 10 BALDWIN CT	HARVARD, MA 01451
Parcel Number: 002-07C-000-000	Mailing Address: HEBERT JR., LEON FRANCIS
CAMA Number: 002-07C-016-000	1 BALDWIN CT
Property Address: 1 BALDWIN CT	HARVARD, MA 01451
Parcel Number: 002-07C-000-000	Mailing Address: PATEL, SHASHIKANT
CAMA Number: 002-07C-017-000	3 BALDWIN CT
Property Address: 3 BALDWIN CT	HARVARD, MA 01451
Parcel Number: 002-07C-000-000	Mailing Address: HARIKRISHNA BODDU
CAMA Number: 002-07C-018-000	5 BALDWIN CT
Property Address: 5 BALDWIN CT	HARVARD, MA 01451
Parcel Number: 002-07C-000-000	Mailing Address: NIGG, GARY
CAMA Number: 002-07C-019-000	7 BALDWIN CT
Property Address: 7 BALDWIN CT	HARVARD, MA 01451
Parcel Number: 002-07C-000-000	Mailing Address: SMITH, ALEXANDER C.
CAMA Number: 002-07C-020-000	9 BALDWIN CT
Property Address: 9 BALDWIN CT	HARVARD, MA 01451



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3/14/2024

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Abutters List Report - Harvard, MA

WETLANDS PROTECTION BYLAW RULES

147 Attachment 1

Town of Harvard

FORM A
NOTICE OF FILING

DATE: 3.18.2024 RE: Property located at 351 Ayer Rd
 FROM: Yellow Boots Realty Trust
 (applicant)
 Address 62 Patterson Rd Shirley MA 01464
 Telephone 978-302-8055

- 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 § 147-14, Notice to Town boards, by certified mail or hand delivery as follows:

	Date of Submittal
Conservation Commission (10 copies)	3.20.2024
Department of Environmental Protection (2 copies)	3.20.2024
_____	_____
_____	_____
_____	_____

(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).
- 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 _____ Date: 3.18.2024

- 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

WETLANDS PROTECTION BYLAW RULES

147 Attachment 2

Town of Harvard

Form B

Notification to Abutters

Massachusetts Wetland Protection Act
and Harvard Wetlands Protection Bylaw

DATE: 3.18.2024 Certified Mail # _____
or Date of Hand Delivery _____

TO: _____
(abutter) (address)

FROM: Yellow Boots Realty Trust 62 Patterson Road Shirley Ma 01464 978-302-8055
(applicant) (address) (Telephone No.)

RE: Property identified on Harvard Assessors Map # 2 Parcel 5
The address of the lot where the activity is proposed is:
351 Ayer Road

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:

✓ 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 21 days upon receipt of the complete application. Notice of this public hearing will be given at least five days prior to the hearing, in a local newspaper, as well as appear on the Town of Harvard website at www.harvard.ma.us.

147 Attachment 2:1

Supp 20, May 2021

HARVARD CODE

Plans for this project and a copy of the application are on file with the Land Use Board Office. Copies may obtained from the Applicant's Representative by calling the following telephone number 978-314-7858 - between the hours of 9 AM and 3 PM on the following days of the week Mon - Fri.

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

A PDF of the submission can also be obtained by a request to Irene@marro-consulting.com

WETLANDS PROTECTION BYLAW RULES

147 Attachment 3

Town of Harvard

Form C

Request for Waiver

Harvard Wetlands Protection Bylaw

Date:

To: Harvard Conservation Commission

From: Yellow Boots Realty Trust

(name of petitioner)

62 Patterson Road Shirley MA 01464

(address of petitioner)

RE: Harvard Wetlands Rules and Regulations

Request for Waiver

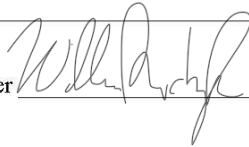
Pursuant to the provisions of § 147-3 of the Regulations for the administration of The Harvard Wetlands Protection Bylaw, I hereby request a waiver from the Commission for compliance with the following section of the regulations:

Section 147-12 (setback)

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

A waiver is requested for restorative planting

Signature of petitioner



Telephone # 978.302.8055

WETLANDS PROTECTION BYLAW RULES

147 Attachment 4

Town of Harvard

**Form D
Permission for Access**

TO: Harvard Conservation Commission
13 Ayer Road
Harvard, MA 01451
From: Yellow Boots Realty Trust
62 Patterson Road
Shirley, MA 01464

Pursuant to § 147-6D or § 147-11D 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:  Date 3.18.2024
Owner or Authorized Applicant from Form A part C

WETLANDS PROTECTION BYLAW RULES

147 Attachment 5

Town of Harvard

Form E

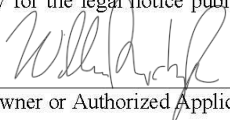
Permission to Bill Applicant Directly for Legal Notice

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

FROM: 62 Patterson Road
Shirley, MA 01464
Yellow Boots Realty

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

Signed:


Owner or Authorized Applicant from Form A part C

WETLANDS PROTECTION BYLAW RULES

147 Attachment 6

Town of Harvard

Form F

Wetland Filing Fees Calculation Worksheet for Work in Resource Areas

	Fee	Total
Notice of Intent Fees		
1) <i>Single-family</i>		
Septic repair or upgrade (enter fee and skip to Total Fee)	\$200	_____
New construction or alteration involving 500 square feet or less of total construction	\$300	_____
New construction or alteration involving 501 square feet to 1,499 square feet of total construction	\$600	_____
New construction or alteration involving 1,500 square feet or more of total construction	\$900	1800
2) <i>Subdivision/mini-subdivision</i>		
Roads and utilities only	\$1,500	_____
Multifamily/condominium structures construction	\$1,500	_____
3) <i>Commercial or industrial projects</i>	\$1,500	_____
Additional charges under a Notice of Intent for disturbance within the buffer zone		
1) Disturbance within the buffer zone	3800	square feet x 0.25 = 1900
2) Confirmation delineated wetland line	_____	linear feet x 0.50 = _____
3) Alteration or replication of wetlands	_____	square feet x 1 = _____
Total Filing Fee		_____
Fee doubled if Notice of Intent is filed after work began or an Enforcement Order was issued		3700
Other fees		
Request for an amendment to an Order of Conditions	\$200	_____
Request for an extension to an Order of Conditions	\$125	_____
Request for a reissued Certificate of Compliance	\$100	_____
Request for an Emergency Certificate of Compliance	\$200	_____
Request for an Emergency Certification Form	\$200	_____
Request for Certificate of Compliance with Expired OOC or Partial Certificate of Compliance	\$125	_____
Request for Determination of Applicability (RDA)	\$100	_____
Abbreviated Notice of Resource Area Delineation (ANRAD) (Minimum \$100, Maximum \$1,500)	_____	linear feet x \$1.50 = _____

147 Attachment 6:1

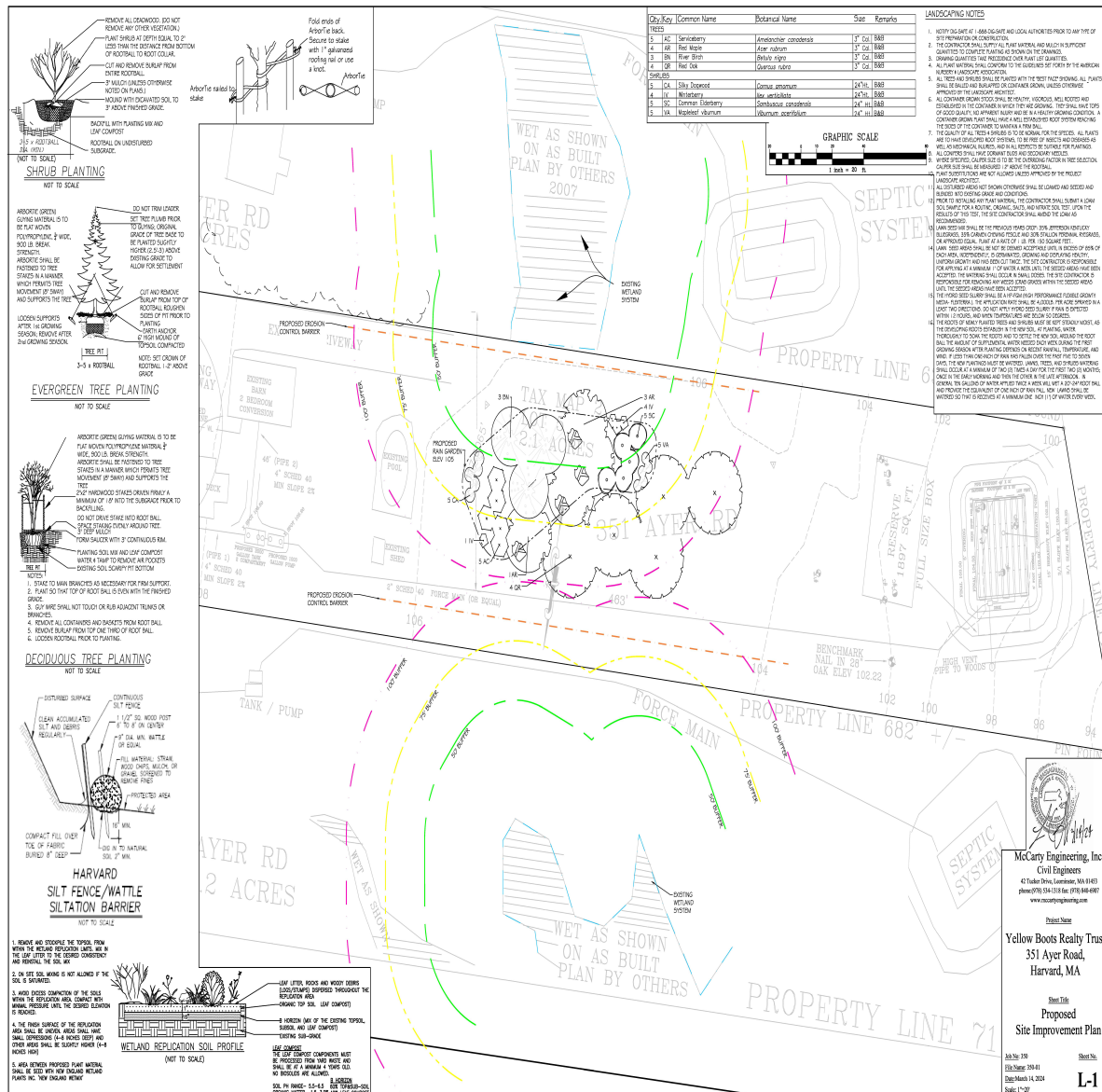
Supp 20, May 2021

HARVARD CODE

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).

Total Fee Payable to the Town of Harvard

Fee	Total
	3700.00





Evaluation of 351 Ayer Road

Matthew Marro | December 20, 2021

MATTHEW S. MARRO ENVIRONMENTAL CONSULTING

45 Lisa Drive
Leominster, Ma
Phone (978) 314-7858
Fax (888) 435-5999

December 20, 2021

Mr. Brian Michalczyk
190 East Main Street
Ayer, MA 01432

Re: Evaluation of single family lot at 351 Ayer Road ,Harvard, MA

Dear Sir,

Matthew S. Marro Environmental Consulting has performed an evaluation of a single family lot and adjacent areas identified by the Conservation Commission potentially as wetland on your property to determine if the areas on the lot either qualified as a vegetated wetland either bordering or isolated (refer to *310 CMR 10.55(2)(c)(1-3 and 310 CMR 10.04 definitions)*).

There is a pre-existing drain line on your property at the southern rear edge of the property as noted on the exhibit (labeled area 1). The source of the water that intermittently feeds the rear is likely ground water originating from Ayer Road. It is not draining any other wetland resource area and appears to be fed by street and town drainage flow during wet weather events. There are neither stream channels nor culverts that empty into this line. Since 1983, interpretation of the definition of a stream determined that if a drainage channel or drain line did not have a wetland connection upstream of it, it (or in this case, the land area it discharges to) was not considered a jurisdictional stream or other wetland resource area.

The vegetation at the southerly edge of the lot the drain emptied into consisted of Garlic Mustard, Queen Ann's Lace, Golden Rod, Sugar Maple, Red Oak, Bracken Fern, and the beginnings of an intrusion of Bittersweet. There were no wetland indicator plants present nor were there wetland herbaceous plants on the ground such as ferns and mosses except for one Cattail plant. This in and of itself is an indicator that the flows here are very sporadic, a stream based or ground water-based wetland normally does not allow for this pattern of growth. It is also quite common to see cattail in some form establish in an aggressive manner in bio swales and storm water basins as well as runoff channels that are not jurisdictional simply due to the presence of water on a steady basis (i.e., reliable water source from rain events through the storm water structure).

Evaluation of the soils in this section took place at five locations with 3 bore holes each evenly spread along the back area of the lot in a 30-foot circular sampling area. The soils were Walpole Sandy Loom Series, typical of outwash soils along mild slopes soils in this area of Massachusetts. In all borings the soils in the B layer were a consistent sandy 10YR 5/4 or 2/5 Y (6/3) (after an Ap layer of no greater than 6 inches) with no evidence of either anaerobic condition with some limited mottling in not all of the samples which did not exceed 5% of the soil layer.

Features that are normally found in hydric soils that would indicate a wetland resource area were not present. It is my finding the soils are upland and I would note that the soils of the same type and color appear through your property, as you may recall, the evaluation of the currently excavated area for your septic system placement exhibited the same bright soil. This area and the adjacent area at the lot line are labeled as areas 2 and 3 on the enclosed exhibit.

Noted on the exhibit map enclosed is an area at the mid-section of the lot along the southerly lot line labeled as area 4. I noted a very small section of area on the abutters' lot that appeared to hold water for a small period likely springtime. I noted that there were Spruce, Hemlock, White Pine, Sugar Maple and Red Oak present with very little to almost no understory. There were 2 Royal Fern Plants indicating potential wetland hydrology. However, on close examination, the Royal Fern was not a dominant species; the Hemlock present in this area did not have shallow roots (Hemlock is not considered to be within a wetland system unless the root system is shallow. Buttressed roots are not considered indication of wetland hydrology for Hemlock.)

Examination of the soil in this area showed an O layer that averaged three inches leading to an E Layer that varied in areas from an inch deep to three inches prior to subsurface resistance. The color at the E layer was more of a gray to white bleached mineral soil. The eluvial horizon (E horizon) is typically light gray, clay-depleted, contains little organic matter and has a high concentration of silt and sand particles composed of quartz and other resistant minerals. Its color is formed not by anaerobic conditions as is typical of wetland resource areas; rather it is formed by acidification. The presence of the evergreen over story in this area would contribute heavily to this acidity, which also accounts for the organic layer commonly found above an E horizon. This area is not a wetland resource area, either local or state.

I also found the following:

1. I found no ACEC designation in the subject area.
2. I found no estimated or priority habitat in subject area.
3. There are no vernal pools, certified or potential on subject lot
4. Flood Plain is not present on the subject lot

CONCLUSION: The subject lot in question does not contain any jurisdictional wetland resource area local, state nor federal.

Please call me if you have any further questions at 978-314-7858.

Respectfully Submitted,



Matthew S. Marro,

Consulting Agent/Principle

Cc : File

Exhibit One- Subject Property

351 Ayer Road Exhibit

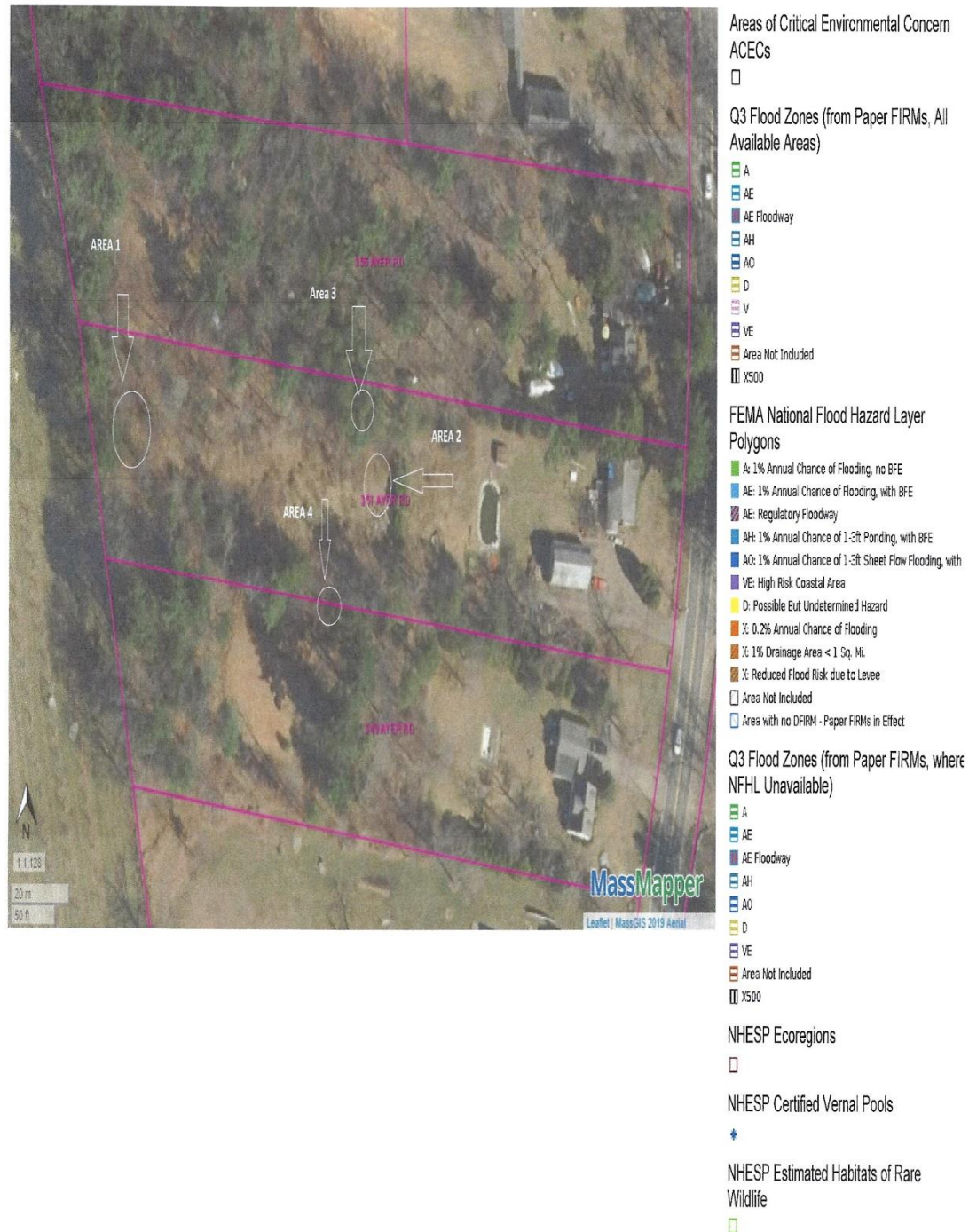
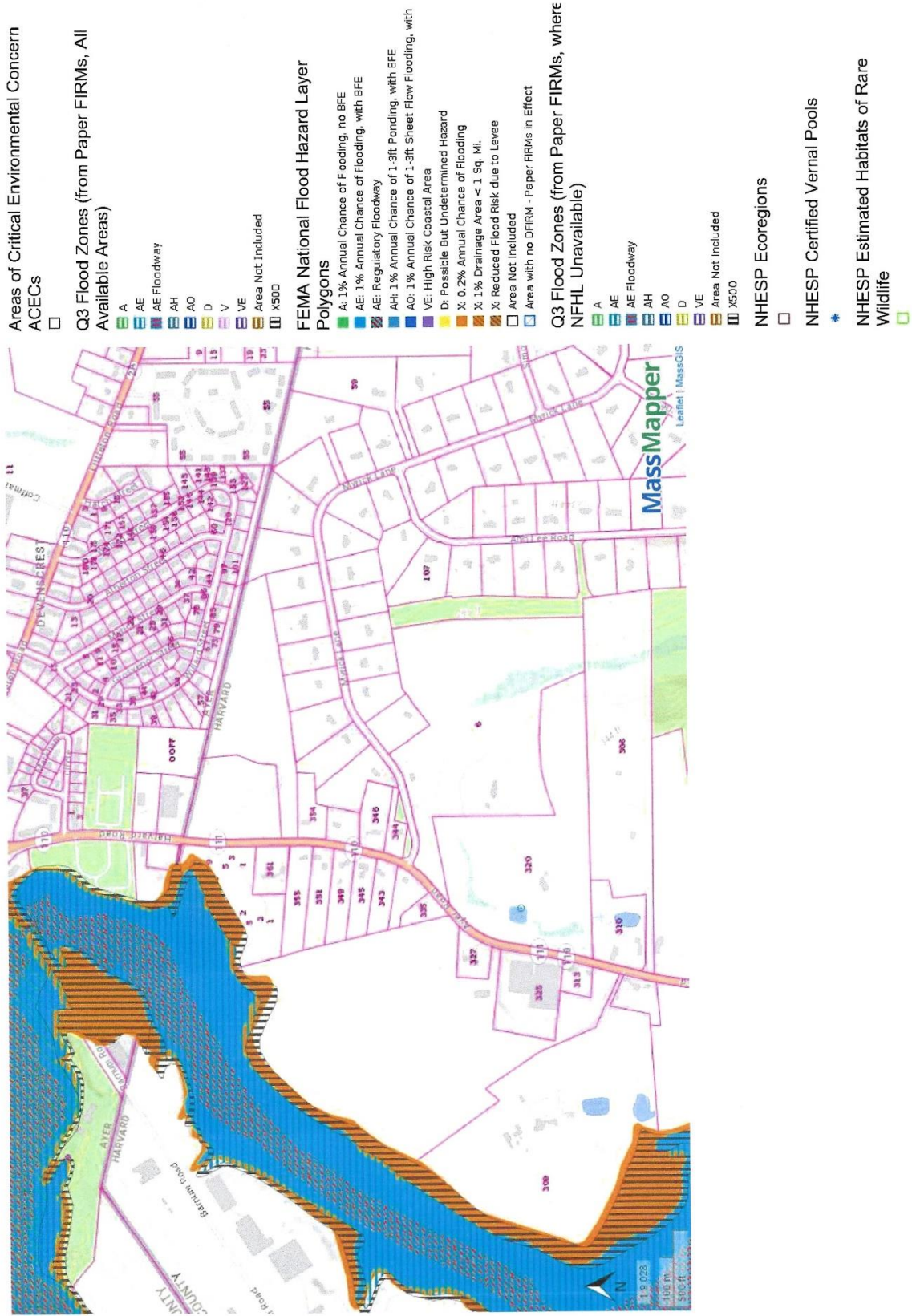


Exhibit Two- MASS GIS OVERLAY

MASS GIS EXHIBIT



Soilsmith Designs

Douglas J. Smith
98 Whittington St.
Manchester, NH 03104
(603) 487-2298
Soilsmith@aol.com

Oct 23, 2023

I conducted soil test holes for verification of soils being hydric or non hydric at 351 Ayer Road Harvard MA Tax Map 2 Lot 5. Testing took place Oct 18, 2023. Present on site were Matt Marro and Brian Michalczyk the owner of the property and backhoe operator.

In the spring of 2023 Matt and I augured in the area of question and found the area to not be wetlands and the soil was not hydric. The purpose of revisiting this site on Oct 18, 2023 was to have an excavator conduct the test holes because some areas had fill on top of the original soil or possible disturbed (mixing of soil). This would give provide a more accurate analysis to verify conditions.

Test Hole # 1

- A 0"- 6" 10YR2/2 sandy loam granular friable
- B 6"- 17" 10YR3/3 sandy loam granular friable
17"-19" inclusion small random pockets non continuous
2.5Y3/1 med loamy sand
- C 19"-48" 10YR4/3 loamy sand
Redox concentrations (high water table 30")

Test hole # 2

- 0"- 17" Fill
- A 17"-21" 10YR2/2 sandy loam (original A layer)
- 21"-24" 10YR 3/2 sandy loam friable
- 24"-29" 10YR3/3 sandy loam
- C 29"-47" 2.5Y3/2 loamy sand
- Redox concentrations (high water table 32")

Test hole 2-A (same excavation as #2 other end of test hole)

- 0'- 7" 10YR2/2 fill
- A 7"-12" 10YR3/2 sandy loam
- B 12"-24" 10YR4/2 sandy loam
- C 24"-34" 2.5Y3/2 loamy sand
- Redox concentrations 28" (high water table)

According to the NEWIPCC hydric soil manual these 3 test holes #1, #2 and 2A are not hydric soils

Please feel free to contact me if there are any questions

Sincerely

Douglas Smith

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