



Town of Harvard
Conservation Commission
Wetlands Protection Bylaw – Form 3
Notice of Intent
Code of the Town of Harvard Chapter 119

Harvard File Number:

A. General Information

1. Project Location (**Note:** electronic filers will click on button for GIS locator):

a. Street Address

b. City/Town

c. Zip Code

Latitude and Longitude:

d. Latitude

e. Longitude

f. Assessors Map/Plat Number

g. Parcel /Lot Number

2. Applicant:

a. First

b. Last Name

c. Company

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h.

i. Fax Number

j. Email address

3. Property owner (if different from applicant):

☐ Check if more than one owner

a. First

b. Last Name

c. Company

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h.

i. Fax Number

j. Email address

4. Representative (if any):

a. Firm

b. Contact Person First Name

c. Contact Person Last Name

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h.

i. Fax Number

j. Email address

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

a. Total Fee Paid

b. City/Town Fee Paid

6. General Project Description:



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A. General Information (continued)

7. Project Type Checklist:

- | | |
|---|---|
| a. <input type="checkbox"/> Single Family Home | b. <input type="checkbox"/> Residential Subdivision |
| c. <input type="checkbox"/> Limited Project Driveway Crossing | d. <input type="checkbox"/> Commercial/Industrial |
| e. <input type="checkbox"/> Dock/Pier | f. <input type="checkbox"/> Utilities |
| g. <input type="checkbox"/> Coastal Engineering Structure | h. <input type="checkbox"/> Agriculture – cranberries, forestry |
| i. <input type="checkbox"/> Transportation | j. <input type="checkbox"/> Other |

8. Property recorded at the Registry of Deeds for:

a. County

b. Page Number

c. Book

d. Certificate # (if registered land)

9. Has work been performed on the property under an Order of Resource Area Delineation involving Simplified Review within 3 years of the date of this application?

- a. ☐ Yes b. ☐ No

If yes, no Notice of Intent or Request for Determination of Applicability may be filed for work within the 50-foot-wide area in the Buffer Zone along the resource area during the three-year term of an Order of Resource Area Delineation, or any Extended Order, or until the applicant receives a Certificate of Compliance, whichever is later.

10. Buffer Zone Only - Is the project located only in the Buffer Zone of a bordering vegetated wetland, inland bank, or coastal resource area?

- a. ☐ Yes - answer 11 below, then skip to Section C.
b. ☐ No - skip to Section B.

11. Buffer Zone Setback – For projects that involve work only in the buffer zone, select the applicable adjacent resource area (check one):

- a. ☐ BVW b. ☐ inland bank c. ☐ pond of any size d. ☐ isolated land subject to flooding

The distance between the closest project disturbance and the associated resource area is:



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d. linear

B. Resource Area Effects

1. Inland 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.

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated	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
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 of flood storage replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet of flood storage replaced
f. <input type="checkbox"/> Riverfront area	1. Name of Waterway (if available)	

☐ For projects impacted by the riverfront area and a buffer zone of another resource area, add 50% to the total fee.

1. Width of Riverfront Area (check one):

- ☐ 25 ft. - Designated Densely Developed Areas only
☐ 100 ft. - New agricultural projects only
☐ 200 ft. - All other projects

2. Total area of Riverfront Area on the site of the proposed project:

Square Feet

3. 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.

4. Has an alternatives analysis been done and is it attached to this NOI?

☐ Yes ☐ No

5. Was the lot where the activity is proposed created prior to August 1, 1996?

☐ Yes ☐ No



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C. Bordering Vegetated Wetland Delineation Methodology

Check all methods used to delineate the Bordering Vegetated Wetland (BVW) boundary:

1. ☐ Final Order of Resource Area Delineation issued by Conservation Commission or DEP (attached)
2. ☐ DEP BVW Field Data Form (attached)
3. ☐ Final Determination of Applicability issued by Conservation Commission or DEP (attached)
4. ☐ Other Methods for Determining the BVW Boundary (attach documentation):
 - a. ☐ 50% or more wetland indicator plants
 - b. ☐ Saturated/inundated conditions exist
 - c. ☐ Groundwater indicators
 - d. ☐ Direct observation
 - e. ☐ Hydric soil indicators
 - f. ☐ Credible evidence of conditions prior to disturbance

5. Other resource areas delineated: _____

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

D. Other Applicable Standards and Requirements

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://www.mass.gov/dfwele/dfw/nhesp/nhregmap.htm>.

- a. ☐ Yes If yes, include proof of mailing or hand delivery of NOI to:
☐ No

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
Route 135, North Drive
Westborough, MA 01581

- b. Date of map _____

If yes, the project is 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 D.1.A, and include requested materials with this Notice of Intent (NOI); *OR* complete Section D.1.B, 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).*

A. Submit Supplemental Information for Endangered Species Review *



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☐ Percentage/acreage of property to be altered:

(1) within wetland Resource Area

percentage/acreage

(2) outside Resource Area

percentage/acreage

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

D. Other Applicable Standards and Requirements (cont.)

- ☐ 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 **
- ☐ Project description (including description of impacts outside of wetland Resource Area & Buffer Zone)
- ☐ Photographs representative of the site
- ☐ MESA filing fee (fee information available at:
<http://www.mass.gov/dfwele/dfw/nhESP/nhenvmesa.htm>)
Make check payable to "Natural Heritage & Endangered Species Fund" and **mail to NHESP**
at above address

*Projects altering **10 or more acres** of land, also submit:*

- ☐ Vegetation cover type map of site
- ☐ Project plans showing Priority & Estimated Habitat boundaries

B. OR Check One of the Following

- ☐ Project is exempt from MESA review. Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <http://www.mass.gov/dfwele/dfw/nhESP/nhenvexemptions.htm>)
- ☐ Separate MESA review ongoing.

NHESP Tracking Number

Date submitted to NHESP

- ☐ Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see www.nhESP.org regulatory review tab). 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.

2. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a. ☐ Yes If yes, provide name of ACEC (see instructions to WPA Form 3 or DEP Website for ACEC locations). **Note:** electronic filers click on Website.
 ☐ No



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- b. ACEC
3. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) ?
- a. ☐ Yes ☐ No
4. Is any activity within any Resource Area or Buffer Zone exempt from performance standards of the wetlands regulations, 310 CMR 10.00.
- a. ☐ Yes ☐ No
- If yes, describe which exemption applies to this project:

D. Other Applicable Standards and Requirements (cont.)

- b. Exemption
5. Is this project subject to the DEP Stormwater Policy? a. ☐ Yes ☐ No
- If yes, stormwater management measures are required. Applicants should complete the Stormwater Management Form and submit it with this form.
- b. If no, explain why the project is exempt:

E. Additional Information

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

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.
3. ☐ Other material identifying and explaining the determination of resource area boundaries shown on plans (e.g., a DEP BVW Field Data Form).
4. ☐ List the titles and dates for all plans and other materials submitted with this NOI.
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 Chapter 147 Forms A – E, as needed
9. ☐ Attach Stormwater Management Form, if needed.



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F. Fees

The fees for work proposed under each Notice of Intent must be calculated and submitted to the Conservation Commission.

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 Chapter 147 Form F) to confirm fee payment:

1. Municipal Check Number

2. Check date

3. Payor name on check: First Name

4. Payor name on check: Last Name

G. 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, Chapter 147-7 C & 147-16 C.

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of the Code of the Town of Harvard, Chapter 119 Wetland Protection Bylaw. Notice must be made in writing by hand delivery or certified mail (return receipt requested) to all abutters within 300 feet of the property line of the project location.

Signature of Applicant

Date

Signature of Property Owner (if different)

Date

Signature of Representative (if any)

Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents; two copies Chapter 147 Forms A – E, eight copies of the narrative and accompanying plans and the city/town fee payment must be sent to the Conservation Commission by certified mail or hand delivery.

G. Signatures and Submittal Requirements (cont.)

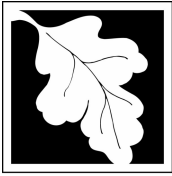
Other:

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



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Stormwater Management Form
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A. Property Information

1. The proposed project is:
 - a. New development ☐ Yes ☐ No
 - b. Redevelopment ☐ Yes ☐ No
 - c. Combination ☐ Yes ☐ No (If yes, distinguish redevelopment components from new development components on plans).
2. Stormwater runoff to be treated for water quality is based on the following calculations:
 - a. ☐ 1 inch of runoff x total impervious area of post-development site for discharge to **critical areas** (Outstanding Resource Waters, recharge areas of public water supplies, shellfish growing areas, swimming beaches, cold water fisheries).
 - b. ☐ 0.5 inches of runoff x total impervious area of post-development site for other resource areas.

B. Stormwater Management Standards

DEP's Stormwater Management Policy (March 1997) includes nine standards that are listed on the following pages. Check the appropriate boxes for each standard and provide documentation and additional information when applicable.

Standard #1: Untreated stormwater

- a. ☐ The project is designed so that new stormwater point discharges do not discharge untreated stormwater into, or cause erosion to, wetlands and waters.

Standard #2: Post-development peak discharges rates

- a. ☐ Not applicable – project site contains waters subject to tidal action.

Post-development peak discharge does not exceed pre-development rates on the site at the point of discharge or downgradient property boundary for the 2-yr, 10-yr, and 100-yr, 24-hr storm.

- b. ☐ Without stormwater controls
- c. ☐ With stormwater controls designed for the 2-yr, and 10-yr storm, 24-hr storm.
- d. ☐ The project as designed will not increase off-site flooding impacts from the 100-yr, 24-hr storm.

Amount of impervious area (sq. ft.) to be infiltrated:

a. square feet

Volume to be recharged is based on:

- b. ☐ The following Natural Resources Conservation Service hydrologic soils groups (e.g. A, B, C, D, or UA) or any combination of groups:

1. % of impervious area

2. Hydrologic soil group

3. % of impervious area

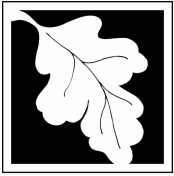
4. Hydrologic soil group

5. % of impervious area

6. Hydrologic soil group

7. % of impervious area

8. Hydrologic soil group



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B. Stormwater Management Standards (cont.)

c. ☐ Site specific pre-development conditions: 1. Recharge rate _____ 2. Volume _____

d. Describe how the calculations were determined:

e. List each BMP or nonstructural measure used to meet Standard #3 (e.g. dry well, infiltration trench).

Does the annual groundwater recharge for the post-development site approximate the annual recharge from existing site conditions?

f. ☐ Yes ☐ No

Standard #4: 80% TSS Removal

a. ☐ The proposed stormwater management system will remove 80% of the post-development site's average annual Total Suspended Solids (TSS) load.

b. Identify the BMP's proposed for the project and describe how the 80% TSS removal will be achieved.

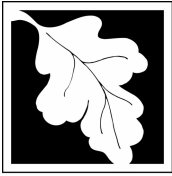
c. If the project is redevelopment, explain how much TSS will be removed and briefly explain why 80% removal cannot be achieved.

Standard #5: Higher potential pollutant loads

Does the project site contain land uses with higher potential pollutant loads

a. ☐ Yes ☐ No b. If yes, describe land uses:

See Stormwater Policy Handbook Vol. I, page I-23, for land uses of high pollutant loading (see Instructions).



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B. Stormwater Management Standards (cont.)

c. Identify the BMPs selected to treat stormwater runoff. If infiltration measures are proposed, describe the pretreatment. (Note: If the area of higher potential pollutant loading is upgradient of a critical area, infiltration is not allowed.)

Standard #6: Protection of critical areas

See Stormwater Policy Handbook Vol. I, page I -25, for critical areas (see Instructions).

Will the project discharge to or affect a critical area?

a. ☐ Yes ☐ No b. If yes, describe areas:

c. Identify the BMPs selected for stormwater discharges in these areas and describe how BMPs meet restrictions listed on pages I-27 and I-28 of the Stormwater Policy Handbook – Vol. I:

Note: components of redevelopment projects which plan to develop previously undeveloped areas do not fall under the scope of Standard 7.

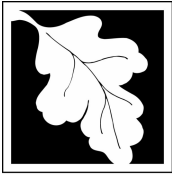
Standard #7: Redevelopment projects

Is the proposed activity a redevelopment project?

a. ☐ Yes ☐ No b. If yes, the following stormwater management standards have been met:

c. The following stormwater standards have not been met for the following reasons:

d. ☐ The proposed project will reduce the annual pollutant load on the site with new or improved stormwater control.



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Standard #8: Erosion/sediment control

- a. ☐ Erosion and sediment controls are incorporated into the project design to prevent erosion, control sediments, and stabilize exposed soils during construction or land disturbance.

Standard #9: Operation/maintenance plan

- a. ☐ An operation and maintenance plan for the post-development stormwater controls have been developed. The plan includes ownership of the stormwater BMPs, parties responsible for operation and maintenance, schedule for inspection and maintenance, routine and long-term maintenance responsibilities, and provision for appropriate access and maintenance easements extending from a public right-of-way to the stormwater controls.

b. Plan/Title

c. Date

d. Plan/Title

e. Date

C. Submittal Requirements

DEP recommends that applicants submit this form, as well as, supporting documentation and plans, with the Notice of Intent to provide stormwater management information for Commission review consistent with the wetland regulations (310 CMR 10.05 (6)(b)) and DEP's Stormwater Management Policy (March 1997). If a particular stormwater management standard cannot be met, information should be provided to demonstrate how equivalent water quality and water quantity protection will be provided. DEP encourages engineers to use this form to certify that the project meets the stormwater management standards as well as acceptable engineering standards. For more information, consult the Stormwater Management Policy.

D. Signatures

Applicant Name

Date

Signature

Representative (if any)

Date

Signature