



MassWildlife

Commonwealth of Massachusetts

Division of Fisheries & Wildlife

Wayne F. MacCallum, *Director*

October 15, 2014

Ben Stevens
Trask Inc.
30 Turnpike Road, Unit 8
Southborough, MA 01772

RE: Applicant: Ben Stevens, Trask Inc.
 Project Location: Washington Street, SHERBORN (Assessor's Map 3, Lots 88B and 88C;
 Book 60250, Page 16, Middlesex South Registry of Deeds)
 Project Description: Construction of 36-Unit Residential Subdivision
 NHESP File No.: **13-32841**

Dear Applicant:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") received the MESA Project Review Checklist, site plans entitled "WILDLIFE HABITAT ASSESSMENT PLAN" (dated May 27, 2014; revised August 21, 2014; prepared by Bruce Saluk & Associates, Inc.; the "Project Plan") and other required materials for review pursuant to the Massachusetts Endangered Species Act (MGL c.131A) and its implementing regulations (321 CMR 10.00) (MESA).

The Division has determined that the proposed project is located within the mapped *Priority Habitat* of the Blue-spotted Salamander (*Ambystoma laterale*), state-listed as "Special Concern", and the Blanding's Turtle (*Emydoidea blandingii*), state-listed as "Threatened", in accordance with the Massachusetts Natural Heritage Atlas (13th Edition). These species and their habitats are protected pursuant to the MESA. Fact sheets for these species can be found at www.mass.gov/nhesp.

The project, as proposed, includes the construction of a thirty-six (36) unit residential subdivision and associated site work (the "Work") on a ±17.55-acre property (Map 3, Lots 88B and 88C; Book 60250, Page 16, Middlesex South Registry of Deeds; the "Property"), as shown on the Project Plan.

Based on the information provided and the information contained in our database, the Division has determined that this project, as currently proposed, **must be conditioned in order to avoid a prohibited "take"** of the Blue-spotted Salamander and Blanding's Turtle (321 CMR 10.18(2)(a)). The project must adhere to the following conditions:

1. Prior to the start of Work, the Applicant shall submit a revised site plan to the Division for review and approval. Said plan shall include the following:
 - a. A clearly demarcated limit of Work. The limit of Work shown on the final revised site plan shall not exceed the "Limit of Disturbance" shown on the Project Plan referenced herein.
 - b. The design and location of signage and/or monumentation, to be installed along the southerly boundary of the "Limit of Disturbance" shown on the Project Plan.

www.mass.gov/nhesp

Division of Fisheries and Wildlife

Field Headquarters, One Rabbit Hill Road, Westborough, MA 01581 (508) 389-6300 Fax (508) 389-7890

An Agency of the Department of Fish and Game

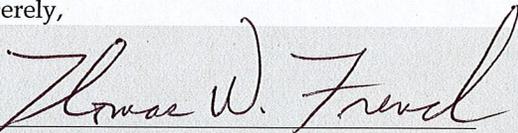
- c. The design and location of road curbing, if proposed or required. Unless otherwise approved in writing by the Division, Cape Cod berms, sloped granite curbs, or a similar design that allows passage of turtles and other small wildlife shall be used in place of vertical curbing in all locations where curbing is proposed or required.
2. Prior to the start of Work, the Applicant shall record this letter and the Division-approved, final revised site plan in the Registry of Deeds or the Land Court for the district in which the Property is located so as to become a record part of the chain of title for the Property. Prior to the start of Work, the Applicant shall provide the Division with proof of said recordation.

Provided the above-noted conditions are fully implemented and there are no changes to the Project Plan, this project will not result in a "take" of state-listed species. This determination is a final decision of the Division of Fisheries and Wildlife pursuant to 321 CMR 10.18. Any changes to the proposed project or any additional work beyond that shown on the Project Plan may require an additional filing with the Division pursuant to the MESA. This project may be subject to further review if no physical work is commenced within five years from the date of issuance of this determination, or if there is a change to the project.

The Division notes that any future projects or activities proposed on the project site which are (a) located outside of the approved limit of work, (b) not exempt pursuant to 321 CMR 10.14, and (c) located within mapped *Priority Habitat* as indicated in the Massachusetts Natural Heritage Atlas, will require review by the Division pursuant to the MESA. The Division, at its discretion, may take into account the cumulative impacts that may be relevant to state-listed species, including but not limited to those associated with the current project.

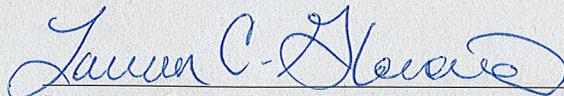
Please note that this determination addresses only the matter of state-listed species and their habitats. If you have any questions regarding this letter, please contact Jesse Leddick, Endangered Species Review Biologist, at (508) 389-6386 or jesse.leddick@state.ma.us.

Sincerely,



Thomas W. French, Ph.D.
Assistant Director
Massachusetts Division of Fisheries & Wildlife

On this ^{15th} day of October, 2014, before me, the undersigned notary public, personally appeared Thomas W. French, PhD., Assistant Director, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his/her knowledge and belief.



Lauren C. Glorioso, Notary Public
My Commission expires: February 6, 2020

cc: Desheng Wang, Creative Land and Water Engineering
Mike Trum



LAUREN C. GLORIOSO
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires
February 6, 2020