Commonwealth of Massachusetts

Division of Fisheries & Wildlife

MassWildlife

Wayne F. MacCallum, *Director*

December 01, 2010

Centennial Homes, LLC
PO Box 2170
Acton MA 01720

Acton Conservation Commission
472 Main St
Acton MA 01720

RE:	Applicant:	Centennial Homes, LLC
	Project Location:	57 Robbins St (Lots 2 & 3 Beacon Court)
	Project Description:	Common Driveway, 2 Single Family Homes
	DEP Wetlands File No.:	Not Issued
	NHESP File No.:	**09-27190**

Dear Commissioners & Applicant:

The Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries & Wildlife received two Notices of Intent with site plans (dated November 17, 2010) in compliance with the rare wildlife species section of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.59). The NHESP previously reviewed the MESA Review Checklist and supporting documentation pursuant to the MA Endangered Species Act Regulations (321 CMR 10.18).

WETLANDS PROTECTION ACT (WPA)

Based on a review of the information that was provided and the information that is currently contained in our database, the NHESP has determined that this project, as currently proposed, **will not adversely affect** the actual Resource Area Habitat of state-protected rare wildlife species. Therefore, it is our opinion that this project meets the state-listed species performance standard for the issuance of an Order of Conditions.

Please note that this determination addresses only the matter of **rare** wildlife habitat and does not pertain to other wildlife habitat issues that may be pertinent to the proposed project.

MASSACHUSETTS ENDANGERED SPECIES ACT (MESA)

The NHESP issued a letter on April 30, 2010 stating our determination that this project will not result in a prohibited Take of state-listed rare species. That determination was based on a review of the site plans submitted at that time (dated November 9, 2009), as well as the MESA Project Review Narrative submitted by Oxbow Associates, Inc. (dated April 12, 2010), which included a proposal to place the 1.33 acres remaining onsite, outside the .70 acre Limit of Work, under a conservation deed restriction.

The NHESP therefore determined that this project will not result in a Take, provided that the proposed conservation deed restriction is placed on the remaining 1.33 acres on the site. The NHESP must review

and approve the language of the Deed Restriction as well as the final recordable plan before it is recorded.

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 site plans may require an additional filing with the NHESP pursuant to the MESA. This project may be subject to further review if no physical work is commenced within three years from the date of issuance of this determination, or if there is a change to the 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 Emily Holt, Endangered Species Review Assistant, at (508) 389-6361.

Sincerely,

Thomas W. French

Thomas W. French, Ph.D.
Assistant Director

cc: James & Theresa Stellar
Scott Hayes, Foresite Engineering Associates, Inc.
MA DEP Central Region