

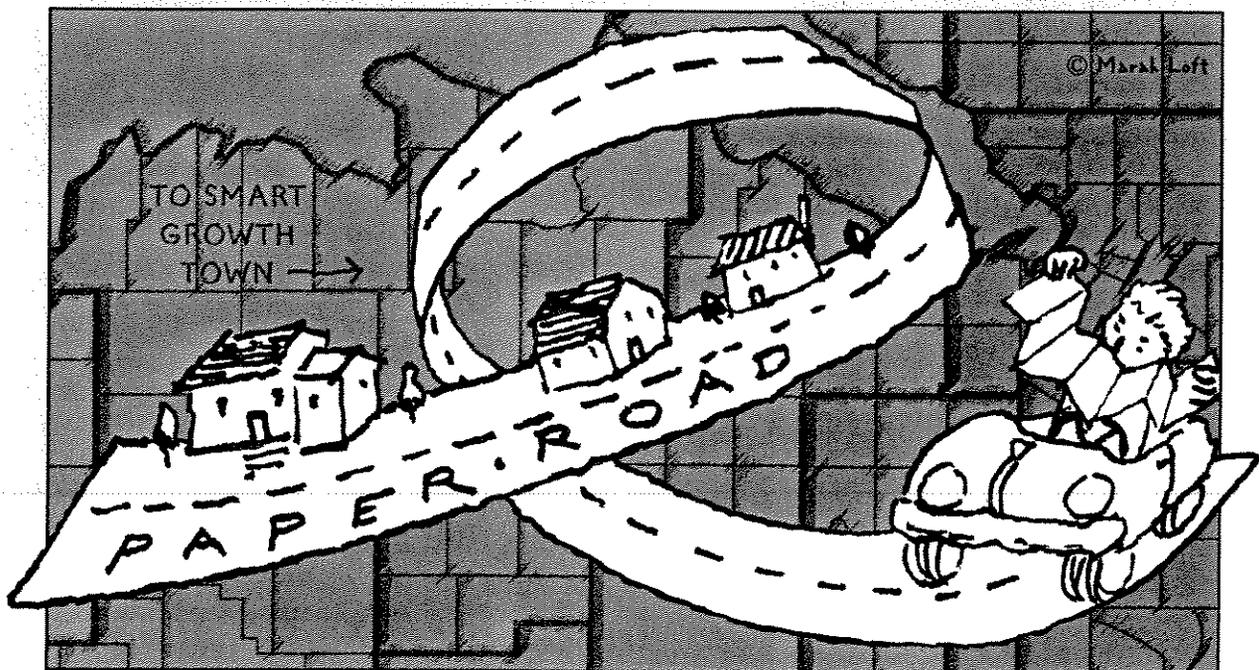
FYI

**CITIZEN PLANNER TRAINING COLLABORATIVE
FOURTH ANNUAL CONFERENCE**

**ADVANCED TOOLS
AND PROCEDURES
FOR PLANNING
AND ZONING**

Saturday, March 19, 2005

**Hogan Conference Center, Holy Cross College
Worcester, MA**



They moved to #53C Paper Road -- I don't see that on my map!

Conference will take place unless State or city of Worcester are closed as official snow emergency:
WCVB Channel 5, Worcester TV Channel 3, or WSRS Radio 96.1 or call for a taped message at (413) 545-2188.

For more information please also refer to the CPTC Web site:

WWW.UMASS.EDU/MASSCPTC

SCHEDULE

8:15–9:00 A.M. REGISTRATION

9:15–10:45 A.M. CONCURRENT SESSIONS

1) Old, Sub-standard and Paper Roads

Syd Smither's document titled "Streets and Ways" will provide town officials with necessary information on how to handle discontinued ways, abandoned roads, or paper streets. Find out who is responsible for maintaining these roads; whether a community's authority overrides, coincides, or conflicts with MassHighway or County Commissioners in laying out, relocating or discontinuing roads; and what the difference is between a public and private way.

Presenter: F. Sydney Smithers, Esq. Moderator: Laila Michaud.

2) CPTC Core Curriculum: Nonconforming Structures, Lots, Uses and Vested Rights

This session addresses a truly complex and vexing part of local planning law: the difference between a nonconforming structure, lot, or use. Learn the difference between nonconforming and protected structures. Become familiar with types of alterations to a nonconforming structure or use. Learn about separate and common lot protection, as well as grandfathering protections for subdivision plans.

Presenter: Carol Rolf, Esq. Moderator: Glenn Eaton.

3) Post Development Land Preservation and Management for Planning Boards

Hear from an experienced attorney working with land trusts and a municipal Planning Administrator about how to work with developers to preserve land within a developed parcel. Learn about the techniques used to negotiate restrictions on land use, conservation of natural resources, and long-term stewardship of the parcel.

Presenters: Robert Levite, Extension Educator, UMass Extension; Michelle Collette, Planning Administrator for the Town of Groton. Moderator: Heidi Ricci.

4) Proactive Ways Towns Can Meet Affordable Housing Goals

How does a town deal with the housing requirements of 40B? This module describes proactive ways in which towns can develop and finance affordable housing to best reflect local needs. Also covered are Local Initiative Projects and establishing a housing authority.

Presenters: Laura Shufelt, Housing Development Specialist with the Cape Cod Commission; John Eller, Sr. Vice President, Federal Home Loan Bank of Boston. Moderator: Alan Pease.

5) How to Prepare if You Are Being Sued*

Presenter: Margaret J. Hurley and Stephen Madaus from Mirick, O'Connell. Moderator: Bruce Hughes.

6) Design Makes the Difference: What Makes "Good" Design in Smart Growth Development?

Learn how to develop appropriate design standards and how to evaluate the design of proposed smart growth projects. See how the same densities can result in very different kinds of places depending on design choices. Also, learn about form-based zoning, a new zoning concept based on design standards rather than traditional zoning categories and requirements.

Presenter: Larissa Brown, AICP, Goody Clancy; David Parish, Member Services Representative, Federal Home Loan Bank of Boston. Moderator: Glenn Garber.

11:00 A.M.–12:30 P.M. CONCURRENT SESSIONS

7) Latest Zoning Innovations for Small Communities

The Center for Rural Massachusetts will outline the most promising tools and techniques for improving small town planning, land use, resource conservation and working landscapes. While mostly regulatory in nature, these strategies will include non-regulatory approaches that involve public/private collaborations and negotiated techniques.

Presenter: Glenn Garber, Center for Rural Massachusetts, UMass Extension. Moderator: Steven Wallace.

8) CPTC Core Curriculum: Introduction to Zoning*

This is a basic course for **new Board members** addressing adoption of zoning bylaws, variances and special permits, public hearing and voting requirements and other key procedural requirements.

Presenter: Pam Brown, Esq. Moderator: TBA.

9) Stormwater Management and Model Bylaw*

In many towns, the planning board plays an important role in implementing stormwater bylaws. The Towns of Duxbury, Marshfield, and Plymouth have recently developed a model stormwater bylaw to help manage non-point source pollution in their communities. Learn about the process used to develop the bylaw, and how such a bylaw might help your community. Includes a quick review of stormwater management principles and strategies including how development alters the hydrologic cycle and can potentially pollute water resources.

Presenters: Richard A. Claytor, P.E./Christine Wallace, P.E. of Horsley Witten Group; Angus Jennings, Marshfield Town Planner. Moderator: Wendy Garpow.

*Participation in these sessions entitles the town to credit under the MIIA Rewards program towards Public Officials Liability insurance.

SCHEDULE

10) Update on 40R

Last year, the legislature enacted a new statute, chapter 40R, to encourage municipalities to create smart growth zoning districts for the primary purpose of increasing housing production in the Commonwealth. This panel will highlight the issues of 40R and present the regulations promulgated by DHCD. It will also focus on the potential of 40R to allow very creative new ideas to get some traction in your communities when it comes to directing future development.

Presenter: Ted Carman, Concord Square Development Company, Inc.; Benjamin Fierro Esq., Lynch and Fierro.
Moderator: Kathy Joubert.

11) By-Law Drafting 101—How to Draft Local Laws that Are Effective, Clear, Wise, and Bullet-Proof in the Face of Challenge

Do we need to say more?

Presenter: Bob Ritchie, Assistant A.G. Moderator: Dorr Fox.

12) Lessons to Be Learned from Two Large Controversial Housing Projects

The projects: a Housing Action Plan coupled with a friendly 40B going sour and a complex first 40B working carefully with an MHP mediator sailing relatively smoothly.

Given the new emphasis on housing with the Commonwealth Capital Fund, ZBAs and Planning Boards who address housing will learn a lot from these two cases about working with the public, proponents and opponents, timing, board coordination and handling consultants.

Presenters: Kathleen Bartolini, Director of Planning and Economic Development, Framingham; Stuart Beckley, Planning Director, Easthampton. Moderator: Gisela Walker.

12:30–1:30 P.M. LUNCH

1:30–3:00 P.M. CONCURRENT SESSIONS

13) Small Town Headaches and Rewards: A Discussion Forum

This session will explore the challenges and rewards of serving as a board member in a rural town with little or no professional support, and provide the opportunity to examine your town's strengths and weaknesses in a fresh light. We will draw on participants' experiences and practical expertise to uncover valuable lessons in fulfilling your boards' responsibilities and accomplishing its goals.

Presenters: Jack Lochhead, Selectman, Town of Conway; Alice Taverna, Planning Board Chair, Town of Russell; Steve Jamlin, Planning Board Chair, Town of Huntington; Wendy Sweetser, Director, Highland Communities Initiative.
Moderator: Linda Finan.

14) Subdivision Permitting Soup-to-Nuts Level 1

We are deep in the soup of subdivisions and it's driving us nuts! This session will follow the complicated process between the planning board and the developer of negotiating and granting a subdivision permit. For novice board members.

Presenters: North Reading Planning Board: Warren Pearce, Patricia Romeo, Christopher Hayden. Moderator: Shep Spear.

15) Implementing the Community Preservation Act (CPA)

To date, 75 communities have adopted the CPA and established Community Preservation Committees (CPCs). The Act requires that a member of the Planning Board serves on the Committee. Learn how these communities have implemented many successful and creative projects using CPA funds.

Presenter: Chris Saccardi, Assistant Director of the Community Preservation Coalition. Moderator: Wendy Garpow.

16) How to Create an Effective Public Process to Get Smart Growth Zoning Bylaws through Town

The CHAPA Smart Growth Demonstration Initiative funded Phil Herr to work with a group of key players in Wakefield to reach consensus on desirable zoning changes and write those bylaws. Wakefield got all four bylaws approved by town meeting. Hear from the planning board about the public outreach and education steps they took to get the bylaws approved. Find out which boards to approach, forums to hold, presentations to give and grants to try to obtain.

Presenter: Paul DiNocco, Chair, Fred Emilianowicz, Planning Board. Moderator: Shep Spear.

17) How to Set Up and Manage 53G Accounts to Hire Outside Consultants

Learn what the statute says and how you can use it. Hear about models for the regulations, commentary on problems and perspectives. Sample RFQ's or RFP's depending on the work that needs to be done. Learn how to work with town treasurers.

Presenter: Colleen M. Brown, J.D., Agent—Swansea Conservation Commission. Moderator: Louise Daley, Transportation Planner, SERPEDD

18) Low Impact Development (LID)

LID combines a more natural approach to land development. It utilizes a site's natural features and specially designed best management practices (BMPs) to manage stormwater. Such BMPs include protecting native vegetation and soils; minimizing areas of impervious surfaces, and directing runoff to bio-retention areas (or rain gardens), amended soils or other types of infiltration areas.

Presenter: Andrea Cooper, Director, Coastal Zone Management, North Shore. Moderator: Dr. Elisabeth Hamlin.

Note: Please make copies of this page for your fellow board members

REGISTRATION FORM

Absolute Deadline for receiving registrations is: FRIDAY, MARCH 11, 2005!

We no longer accept last minute registrations. You can fax until the deadline.

It is okay to have the town check arrive later by separate mail.

Name: _____ Board affiliation: _____

Street address: _____

City: _____ State: _____ Zip: _____

Daytime phone number: _____ E-mail: _____

City/town served: _____

I want to attend the following sessions (please keep a copy of this page for yourself!)

Please number your first and second choice for each time. Otherwise, some classes will become overcrowded.

9:15 a.m.-10:45 a.m.

- 1) Roads
- 2) Nonconformities
- 3) Land Preservation
- 4) Affordable Housing
- 5) Getting Sued
- 6) Good Design

11:00 a.m.-12:30 p.m.

- 7) Community Preservation
- 8) Intro to Zoning
- 9) Stormwater
- 10) 40R Update
- 11) By-law Drafting
- 12) Controversial Case Studies

1:30 p.m.-3:00 p.m.

- 13) Small Town Forum
- 14) Subdivisions
- 15) Implementing CPA
- 16) Smart Growth Zoning
- 17) 53G Accounts
- 18) Low Impact Develop.

Directions to Holy Cross College are available at www.umass.edu/masscptc/conferences

Registration fee: \$50/pp (Receipts will be provided at registration.)

Refunds granted if submitted in writing or emailed through website before **March 15, 2005.**

We do not confirm registrations!

Please make check payable to CPTC and mail or fax this form by Friday, March 11, 2005 to:

Gisela Walker 109 Hills North Fax: (413) 545-1772
UMass
Amherst, MA 01003

QUESTIONS? Please call (413) 577-3642 or email gwalker@umext.umass.edu

DIRECTIONS TO CONFERENCE

From Route 290 in Worcester, take Exit 11 (College Square) and follow signs for College Square. Cross over to the far right lane and take the first right steeply uphill before the traffic light. Holy Cross College will be on your left. Go up and turn left into the last gate (number 7). The Hogan Center is the second building on the left.

For more information, visit www.umass.edu/massctc/conferences.html

WE RECEIVED FINANCIAL SUPPORT FROM:



BEALS AND THOMAS, INC.

Consultants Supporting the Development and Conservation of Land and Water Resources

FHLBBoston



Underwriter:

Federal Reserve Bank of Boston

Sponsors:

Massachusetts Interlocal Insurance Association, Inc. (MIIA); MA Association of Planning Directors (MAPD); Federal Home Loan Bank of Boston; Massachusetts Association of Regional Planning Agencies (MARPA); Citizens Housing and Planning Association (CHAPA); Beals&Thomas, Inc.; Peter Bovenzi, Inc.

Supporters:

Communities Opportunity Group; Home Builders Association of Massachusetts; McGregor and Associates; National Association of Industrial and Office Properties—MA Chapter

The CPTC Board of Directors also sincerely appreciates the support from its Advisory Board and the generosity of all the presenters who are donating their time and expertise.

Jane Santosuosso
DHCD
100 Cambridge Street
Suite 300
Boston, MA 02114

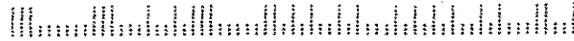
CONFERENCE PROGRAM!



Town Planner
Town Hall
472 Main Street
Acton, MA 01720

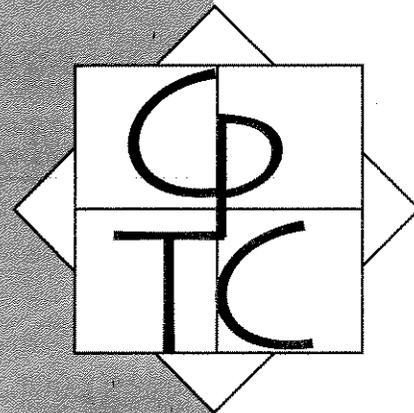
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CITIZEN PLANNER TRAINING COLLABORATIVE FOURTH ANNUAL CONFERENCE

ADVANCED TOOLS AND PROCEDURES FOR PLANNING AND ZONING



Join Us on Saturday, March 19, 2005
Hogan Conference Center, Holy Cross College
Worcester, MA

WWW.UMASS.EDU/MASSCPTC

UMass Extension offers education programs, materials, and employment without regard to race, color, creed, sex, age, national origin, and mental or physical handicap

FYI

Roland Bartl

From: Lauren Rosenzweig
Sent: Wednesday, February 02, 2005 3:01 PM
To: Ann Sussman
Cc: Micki Williams; Betsy Comstock; Transportation Advisory Committee; Planning Board
Subject: FW: draft TAC letter and scanned PB letter



Scan001.PDF (68 KB)



Rte 2A Traffic
SignaltrPlanB...

Ann--

Here is an e-mail that includes both the Planning Board letter and the letter revised for the TAC. Because EAVO has not met and voted on the letter I thought this was a better way to send it to the Selectmen. Please sign it for the TAC and send it to the Selectmen as soon as possible. The Selectmen meet this Monday and I believe the packets are sent to them electronically by this Friday.

Sincerely,

Lauren



Transportation Advisory
Committee

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 264-9636
Fax (978) 264-9630
tac@town.acton.ma.us
www.town.acton.ma.us

January 31, 2005

Acton Board of Selectmen
472 Main Street
Acton, MA 01720

Re: Placement of Traffic Signal on Rte. 2A

Dear Members of the Board of Selectmen:

It has come to our attention that the Brookside Shops / Great Road intersection has possibly reached the threshold for signalization.

We are extremely concerned that placement of a traffic signal at this location does not take into consideration the Town's extensive planning efforts for the Great Road corridor. The East Acton Village Plan (EAVP), whose zoning changes were approved by Town Meeting in 2004, recommends that the next signalization on Great Road be at the intersection of Concord Road for several reasons. These are:

- This intersection is the primary intersection in the East Acton Village Center, where the Town has decided to promote pedestrian activity.
- The future Bruce Freeman Rail Trail will have a stop at the East Acton Village Green and bicyclists will need a safe, signalized place to cross.
- Concord Road is a major access route from the Town Center unlike the Brookside Shops which does not have feeder streets to other points in Town.

Planning efforts must focus on East Acton Village as the growth center for the corridor. That is why a signal there makes sense. **We feel that an appropriately timed light at Concord Road with a pedestrian phase and crosswalk across Great Road, co-coordinated with the other signals along the corridor could promote safe turning at the Brookside Shops while providing the necessary improved pedestrian access at the intersection.**

We urge the members of the Board of Selectmen to begin discussion with Mass Highway and the owner/developer of the Brookside Shops to place the traffic signal in accordance with the town's significant planning efforts.

The Transportation Advisory Committee would be willing to do anything we can to help locate this signal in accordance with the Town's plans.

Sincerely,

Ann Sussman
Chair, Transportation Advisory Committee



Planning Board

TOWN OF ACTON
472 Main Street
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Fax (978) 264-9630
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The Planning Board would be willing to do anything we can to help locate this signal in accordance with the Town's plans.

Sincerely,

Lauren S. Rosenzweig
Lauren Rosenzweig
Chair, Acton Planning Board

FYI



TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
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Fax (978) 264-9630
planning@acton-ma.gov
www.acton-ma.gov

Planning Department

January 31, 2005

The Honorable Congressman
Martin T. Meehan
U.S. House of Representatives
2229 Rayburn House Office Building
Washington, DC 20515

Re: TEA 21 Reauthorization - High Priority Project Resubmission for Assabet River Rail Trail (ARRT), Marlborough to Acton, Massachusetts

Dear Representative Meehan:

On behalf of the five-town ARRT Steering Committee¹, I am requesting that you resubmit the Assabet River Rail Trail for nomination as a High Priority Project in the upcoming TEA 21 reauthorization. I submitted our original request to your office with a letter dated February 5, 2003 including a copy of the Assabet River Rail Trail Implementation Plan and numerous support letters.

Since our 2003 request we can report the following progress:

Acton – Agreement in principal over the terms of a rail trail easement with one of the two land owners who own right of way in Acton. Negotiations with other landowner (Massachusetts Bay Transit Authority) are ongoing.

Maynard – Has received some funding assistance for the design of one half of the trail and has negotiated easement donations for other trail segments. Volunteers have cleared portions of right-of-way and posted publicly owned sections for public access.

Stow – Agreement in principal with a land owner for a rail trail easement on more than a mile of the former railroad property.

Hudson – Construction on 4 miles of trail is proceeding rapidly with completion expected in the summer of 2005 (funding from prior enhancement program grant). This leaves unfinished only the eastern segment to Stow and several smaller links to residential neighborhoods.

¹ Appointees by Inter-municipal Agreement from Marlborough, Hudson, Stow, Maynard, Acton.

Marlborough – Work in is nearing completion (funding from prior enhancement program grant and private donations).

I am excited about the progress that this project has made in the last two years. It positions the ARRT communities to more rapidly complete the rail trail should the High Priority Project award succeed. On behalf of the five ARRT communities, I want to thank you for your assistance in this matter. If you have any questions or need additional information, please feel free to contact me or Michelle Ciccolo, Assistant Town Administrator in Hudson (978-562-9963).

Sincerely,



Roland Barti, AICP
Town Planner
Town of Acton

cc: ARRT Steering Committee
MAPC
Tow of Acton Selectmen

Enclosures:

Brief project description for question #22.
Copies of 2003 support letters.

Assabet River, Great Meadows, and Oxbow National Wildlife Refuges

CCP Finalized

U.S. Fish and Wildlife Service adopts Comprehensive Conservation Plans for Assabet River, Great Meadows, and Oxbow National Wildlife Refuges

The U.S. Fish and Wildlife Service (Service, we, our) has adopted the final Comprehensive Conservation Plans (CCPs) for three of the eight refuges in the Eastern Massachusetts National Wildlife Refuge Complex. Final approval of the CCPs for Assabet River, Great Meadows, and Oxbow National Wildlife Refuges (NWR) was announced in the Federal Register on January 10, 2005. CCPs, which are required by law, guide all aspects of refuge management in a consistent framework that will last for 15 years.

Draft CCPs were published in July 2003. The Service received nearly 2,000 comments on the draft Plans, which were carefully considered in the refinement of management proposals that were outlined in the draft. Please, see the next page for some ways in which we modified our original proposals in response to concerns that we heard.

Libby Herland, Project Leader for the Eastern Massachusetts National Wildlife Refuge Complex, remarked "This is an exciting time for the refuges. The programs that we have outlined in the CCPs are important to ensure healthy wildlife populations, as well as provide recreation

opportunities that are consistent with our legal mandates. We recognize that some of these decisions were difficult to make and will be controversial. There were a wide variety of opinions expressed throughout the planning process."

Some highlights of the plans include improving habitat management, opening or expanding hunting and fishing opportunities, and opening Assabet River NWR to the public.

Some other changes soon to come include prohibiting dogs from the refuges, and charging an entrance fee at certain refuge locations.

Changes will not occur overnight, however, the approval of the final

CCPs authorizes our refuge staff to start implementing them, and it will take time. We will notify the public in advance, and will provide additional information on those changes as we implement them.

Opening Assabet River NWR to the public is particularly exciting. The Friends of the Assabet River NWR have been hard at work with our staff to improve public safety on that refuge. Buildings have been torn down, razor wire and obstacle courses have been removed, and trails have been newly covered with wood chips.

One of the controversial decisions in the CCPs was the proposal to create or expand hunting opportunities on the refuges. Our proposal to allow hunting on the refuges raised strong opposition. That is not surprising, given the suburban nature of the area.

At the same time, however, a large number of individuals, sportsmen's groups, and the Massachusetts Division of Fisheries and Wildlife strongly supported adding the areas we will open for hunting to the list of lands already open, given the lack of hunting opportunities now available in many of the surrounding towns. Hunting on refuges is a priority use for the Service when it is shown to be compatible with refuge purposes. Hunting on the refuges will not begin until October 2005, and will be closely monitored.

Another example is dog-walking, which has been occurring for years on Great Meadows and Oxbow NWRs. Those refuges will no longer allow dog-walking, whether the dogs are on or off the leash. We will launch an awareness campaign before we fully implement those new regulations. "Certainly, there will be a phase-in period," said Herland. "We

want to make people aware of the changes, and give them an opportunity to adjust. It was a tough decision, but one that we made for the benefit of the wildlife at the refuge, in particular, for its birds and turtles."



USFWS Photo



Photo © Hanxing Yu

Highlights of the changes

We originally proposed to allow jogging on Great Meadows and Oxbow NWRs. We completed a Compatibility Determination (CD), which concludes that jogging is compatible with refuge purposes. However, because of some site-specific concerns, we will initiate a study this spring of jogging, and evaluate its results to determine site-specific impacts on refuge wildlife. We will review the CD in 5 years, and make any appropriate changes using the site-specific data from that study.

We originally had proposed to eliminate all picnicking from the refuges. We have clarified our rules: no picnic tables will be provided, nor will large gatherings or events involving food be permitted. Eating snacks on refuge benches or on trails is allowed.

We had originally proposed to provide a variety of hunting opportunities on all three refuges: to provide hunting on Assabet River and Great Meadows NWRs; and, to expand hunting on the Oxbow NWR.

- We have modified our original hunting proposal, based upon additional analysis of state-mandated safety zones, our ability to effectively administer the hunt program, and to balance the needs of the different wildlife-dependent recreationists.
- We have clarified that the waterfowl hunting areas along the Concord and Sudbury Rivers at Great Meadows and the Nashua River at Oxbow include the main stems of the rivers as well as adjacent wetlands and pools.
- We have adjusted the waterfowl hunting areas to remove areas near concentrations of houses,

playing fields, or high numbers of additional recreationists.

- We are now proposing a total of 1,192 acres for waterfowl hunting at the Great Meadows and Oxbow NWRs.
- We have revised the deer hunting program to archery hunting only, in areas of specific safety concern.



USFWS Photo

We have revised our proposed fee program to be consistent with fee programs at other Region 5 refuges, and to encourage the purchase of our local, annual refuge pass. Fees will now be required at

Assabet River and Oxbow NWR (south of Route 2), and the Concord impoundments of the Great Meadows NWR. Visitors would be able to use a Federal Duck Stamp, Golden Age Passport, Golden Access, or Golden Eagle Pass for the refuge access fee. All access fees are per car or per group for pedestrians.

We have not modified our proposal to eliminate dog-walking on Great Meadows and Oxbow NWRs. We have not yet opened Assabet River NWR to the public. When we do, dog-walking will not be allowed.

Although some of our decisions were difficult, and some controversial, we made them because they help fulfill the mission of the National Wildlife Refuge System; they best achieve the purposes of the refuges, their visions, and their goals; they maintain and, where appropriate, restore the ecological integrity of the refuges; they address the significant issues identified during the planning process; and, they are consistent with the principles of sound fish and wildlife management.

We look forward to seeing you on the refuges!



USFWS Photo

You can download the CCPs on-line by visiting the Complex website, at <http://easternmanwrcmplx.fws.gov/plans.html>. They are also available on compact disk or hard copy. The on-line and compact disk files are in color; the hard copy is in black and white. If you would like a copy on disk or a hard copy, please contact Bill Perry, Refuge Planner, by e-mail at Bill_Perry@fws.gov, by phone at 413-253-8371, or by post at Eastern Massachusetts National Wildlife NWR Complex, 73 Weir Hill Road, Sudbury, MA 01776.

U.S. Fish & Wildlife Service
1 800/344 WILD
<http://www.fws.gov>

January 2005.





MassWildlife

Commonwealth of Massachusetts

Division of Fisheries & Wildlife

Wayne F. MacCallum, Director

26 January 2005

Ellen Roy Herzfelder, Secretary
Executive Office of Environmental Affairs
Attention: MEPA Office
Aisling Eglington, EOEA No.13414
100 Cambridge St.
Boston, Massachusetts 02114

Project Name: The Woodlands at Laurel Hill
Proponent: The Woodlands at Laurel Hill, LLC
Location: Nagog Park, Westford Lane, Acton & Westford, MA
Document Reviewed: The Woodlands at Laurel Hill Environmental Notification Form
NHESP File Number: 04-15066

Dear Secretary Roy Herzfelder:

The Natural Heritage & Endangered Species Program (NHESP) of the MA Division of Fisheries & Wildlife has reviewed the Environmental Notification Form (ENF) for the proposed Woodlands at Laurel Hill development and would like to offer the following comments.

As stated in the ENF (cover letter pages 3-4), the NHESP has determined that the proposed project will result in a "take" of the Blue-spotted Salamander (*Ambystoma laterale*) as defined in the MA Endangered Species Act Regulations (321 CMR 10.02). This species is listed as a species of "Special Concern" pursuant to the provisions of the Massachusetts Endangered Species Act (M.G.L. c. 131A) and its implementing regulations (321 CMR 10.00). The project proponent has been engaged in permitting consultations with the NHESP, and has conducted a rare species survey and habitat evaluation. During the rare species permitting consultation process, the proposed project design was altered to reduce the development footprint and the extent of proposed impact to rare species habitat. Subsequent to these consultations the project has been further redesigned to eliminate 16 proposed town houses and replace them with a smaller number of single family homes. In addition to the permanent protection of over 28 acres of Blue-spotted Salamander Habitat by Conservation Restriction, the project proponent is proposing to enhance a wetland area in order to create additional breeding habitat, and provide for long-term monitoring of the local Blue-spotted Salamander population.

A number of details related to the proposed Blue-spotted Salamander conservation plan for this site remain to be worked out, including agreement on the final boundaries of the proposed Conservation Restriction. The NHESP is expecting the project proponent to submit an application for a Conservation and Management Permit (321 CMR 10.04(3)(b)), and will issue a permit provided that the final project plan and mitigation proposal presented in the application meet the relevant permitting standards and are consistent with the permitting consultations held to date.

If you have any questions about this letter, please contact Jon Regosin, Ph.D. at (508) 792-7270 ext. 316. We appreciate the opportunity to comment on this project.

Sincerely,

Thomas W. French, Ph.D.
Assistant Director

www.masswildlife.org

Division of Fisheries and Wildlife

Field Headquarters, One Rabbit Hill Road, Westborough, MA 01581 (508) 792-7270 Fax (508) 792-7275

An Agency of the Department of Fisheries, Wildlife & Environmental Law Enforcement

cc: The Woodlands at Laurel Hill, LLC
Brian Butler, Oxbow Associates, Inc.
William Murray, PLACES Site Consultants, Inc.
Westford Conservation Commission
Westford Planning Department
Westford Board of Selectmen
Acton Conservation Commission
Acton Planning Department
Acton Board of Selectmen
Littleton Conservation Commission
Littleton Planning Department
Littleton Board of Selectmen
DEP Central Regional Office, MEPA Coordinator