



MassWildlife

Commonwealth of Massachusetts

Division of Fisheries & Wildlife

Wayne F. MacCallum, *Director*

January 20, 2011

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.: 085-1053
 NHESP File No.: **09-27190**

Dear Commissioners & Applicant:

The Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries & Wildlife received a draft Declaration of Restriction, a recordable site plan by Foresite Engineering ("Beacon Court" dated November 17, 2010), and revised plans by Oxbow Associates ("Figure 3. Proposed Conditions 57 Robbins St, Acton" dated December 14, 2010) for review pursuant to the rare wildlife species section of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.59) and 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 submitted site plans by Oxbow Associates indicate that the total property is 2.03 acres, the proposed limit of work is 1.41 acres, and the remaining .62 acres will be protected by the Declaration of Restriction. Based on the information provided and the information contained in our database, the NHESP finds that this project, as currently proposed, will not result in a prohibited "take" of state-listed species (321 CMR 10.18(2)(a)), provided that the Declaration of Restriction and recordable plan are recorded prior to the start of work, and proof of recording is sent to the NHESP. The proposed restricted area must also be monumented as indicated on the recordable plan.

www.masswildlife.org

Division of Fisheries and Wildlife

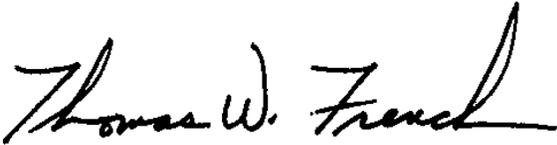
Field Headquarters, North Drive, Westborough, MA 01581 (508) 389-6300 Fax (508) 389-7891

An Agency of the Department of Fish and Game

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,

A handwritten signature in black ink that reads "Thomas W. French". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Thomas W. French, Ph.D.

Assistant Director

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