



MassWildlife

Commonwealth of Massachusetts

Division of Fisheries & Wildlife

Wayne F. MacCallum, *Director*

March 2, 2011

David Hale
Omni Properties LLC
200 Baker Avenue, Suite 303
Concord MA 01742

RECEIVED

JUN 09 2011

LITTLETON
PLANNING BOARD

Re: 15 Great Road and Durkee Lane
NHESP Tracking Number 07-23061
Littleton, Massachusetts

Dear Mr. Hale:

The Natural Heritage and Endangered Species Program of the Massachusetts Division of Fisheries and Wildlife (the "NHESP") has been reviewing the proposed senior housing project discussed in the Oxbow Associates letter dated March 18, 2008 for potential impacts to the Blue-spotted Salamander (*Ambystoma laterale*). The Blue-spotted Salamander is protected pursuant to the Massachusetts Endangered Species Act (MESA) (M.G.L. c. 131A) and its implementing regulations (321 CMR 10.00).

On 11 January 2011, Misty-Anne Marold of my office met with you and your colleagues to discuss your plans to revive a project on the subject site in Littleton. Based upon your conversation, I understand you intend to:

- 1) Change the proposed use of the site from a senior housing project to a residential project.
- 2) Propose the same development footprint as contemplated by the Oxbow Associates letter dated March 18, 2008.
- 3) Maintain the commitments summarized in our letter dated April 24, 2008.

Based on the information discussed at the meeting, the NHESP can affirm the letter sent to you on April 24, 2008 would apply to the residential project. As we discussed and due to the 2010 revisions to the MESA Regulations, NHESP has adjusted the formula for calculating the necessary "Net Benefit" indicated in Number 3 of the letter. This adjustment will reduce the required "Net Benefit" to 1:1.5 thereby reducing the cost required under Number 3 by roughly 30%.

The NHESP believes that the proposed residential project will qualify for a Conservation & Management Permit with inclusion of the above-noted items. Please note, however, that the NHESP will not render a final decision until a formal MESA Review has been conducted pursuant to 321 CMR 10.20, a formal Conservation & Management Permit Application and fee has been submitted, and the MA Environmental Policy Act (MEPA) review process has been completed.

No work, including soil or vegetation alteration, associated with the Proposed Project may occur until the completion of the MESA review process. Thank you for your efforts to address state-listed species regulatory concerns at this early stage of the permitting process. Please do not hesitate to contact Misty-

www.masswildlife.org

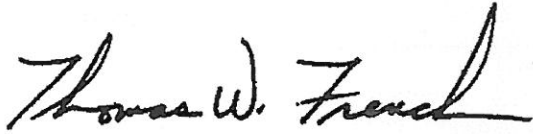
Division of Fisheries and Wildlife

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

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

Anne Marold, Endangered Species Review Biologist, at 508-389-6356 with any questions or comments you may have.

Sincerely,

A handwritten signature in black ink that reads "Thomas W. French". The signature is written in a cursive style with a large, stylized 'T' and 'F'.

Thomas W. French, Ph.D.
Assistant Director

cc: Brian Butler, Oxbow Associates