



MassWildlife

Commonwealth of Massachusetts

Division of Fisheries & Wildlife

Wayne F. MacCallum, Director

— April 24, 2008

RECEIVED

JUN 09 2011

LITTLETON
PLANNING BOARD

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

— Re: 15 Great Road and Durkee Lane
NHESP Tracking No. 07-23061
Littleton, Massachusetts

Dear Mr. Hale:

The Natural Heritage and Endangered Species Program of the Massachusetts Division of Fisheries and Wildlife (the "NHESP") is reviewing the proposed senior housing discussed in the Oxbow Associates letter dated March 18, 2008 (the "Proposed Project") 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).

Omni Properties, LLC elected to engage in a series of pre-filing consultations with the NHESP in advance of filing for a formal MESA review pursuant to 321 CMR 10.18. During these consultations, the NHESP indicated that the Proposed Project as described in the above-noted Oxbow Associates letter would likely result in a "take" as defined in 321 CMR 10.02 and require a Conservation and Management Permit pursuant to 321 CMR 10.23. Based on a series of recent consultations, it is our understanding that Omni Properties, LLC propose to meet the Conservation and Management Permit performance standards with the following:

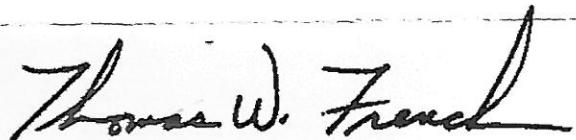
- 1) Place permanent habitat protection on the property associated with the Project outside the agreed-upon limits of work in the form of a MA Executive Office of Environmental Affairs - Division of Conservation Services endorsed Conservation Restriction.
- 2) Restoration of the "elevated pasture" to a native, forested habitat.
- 3) Provide \$100,000 for the support of Blue-spotted Salamander research in MA.
- 4) Continue to seek permitting associated with gaining emergency access to the site via Grist Mill Road and relinquishing all rights to the "contingent access" to Durkee Lane shown on "Figure 4. Habitat Impact Analysis" (Oxbow Associates, rev. March 11, 2008).

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The NHESP believes that the Proposed 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-Anne Marold, Endangered Species Review Biologist, at 508-389-6356 with any questions or comments you may have.

Sincerely,



Thomas W. French, Ph.D.
Assistant Director

cc: Susan C. Sullivan (PLACES Site Consultants, Inc.)