



Commonwealth of Massachusetts

Division of Fisheries & Wildlife

Jack Buckley, *Director*

August 1, 2016

Edward O'Harte
84 Cleveland Street
Norfolk, MA 02056

RE: Applicant: Edward O'Harte
 Project Location: 84 Cleveland Street, Norfolk
 Project Description: LakeLand Farms Townhouse Community
 NHESP Tracking No.: 13-31935



Dear Mr. O'Harte:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") received the MESA Project Review Checklist site plans ("LAKELAND FARMS," dated April 19, 2016, prepared by Andrews Survey & Engineering, Inc.; herein the "Site Plan") and other required materials for review pursuant to the Massachusetts Endangered Species Act (MESA) (MGL c.131A) and its implementing regulations (321 CMR 10.00).

The Division has determined that the subject property is located within the actual habitat of the Eastern Box Turtle (*Terrapene carolina*) a species listed as "Special Concern". This species and their habitats are protected pursuant to the MESA. A Fact sheets for this species can be found at www.mass.gov/nhesp.

The project, as proposed, includes construction of forty (40) townhouse units including tree clearing, paved roads/driveways, grading, storm-water structures, septic, lawn and landscaping (the "Work") totaling ± 6.69 acres of disturbance on a ±8.81 acre parcel as shown on the Site Plan.

Based on the information provided and the information contained in our database, the Division has determined that this project, as currently proposed, **must be conditioned in order to avoid a prohibited "take" of state-listed species (321 CMR 10.18(2)(a))**. The project must adhere to the following condition:

1. Eastern Box Turtle Protection Plan: The Applicant shall submit a Turtle Protection Plan, prepared by a qualified biologist, to our office for review and written approval. Said turtle protection plan must be approved in writing by the Division prior to the start of Work. Upon written Division approval, said plan shall be implemented.

Provided the above-noted condition is implemented and there are no changes to the project plans, this project will not result in a "take" of state-listed species. 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 Division pursuant to the MESA. This project may be subject to further review if no physical work is commenced within five years from the date of issuance of this determination, or if there is a change to the project.

www.mass.gov/nhesp

Division of Fisheries and Wildlife

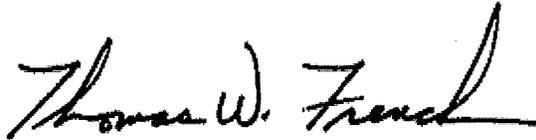
Field Headquarters, One Rabbit Hill Road, Westborough, MA 01581 (508) 389-6300 Fax (508) 389-7890

An Agency of the Department of Fish and Game

The Division notes that any future projects or activities proposed on the Property which are (a) located outside of the approval of the limit of Work shown on the Project Plan, (b) not exempt from review pursuant to 321 CMR 10.14, and (c) located within mapped Priority Habitat as indicated in the Massachusetts Natural Heritage Atlas, will require review by the Division pursuant to MESA. Furthermore, 321 CMR 10.16 provides that projects shall not be segmented or phased to evade or defer the review requirements under MESA. If the Division determines, based on the considerations provided for in 321 CMR 10.16, that a future project or activity proposed on the Property is part of a larger common project or scheme, it may evaluate the cumulative impacts of the existing and proposed segments of the common project when reviewing the future proposed project or activity pursuant to MESA.

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 Brent Powers, Review Biologist, at (508) 389-6354 or brent.powers@state.ma.us.

Sincerely,

A handwritten signature in black ink that reads "Thomas W. French". The signature is written in a cursive style with a prominent, sweeping flourish at the end of the name.

Thomas W. French, Ph.D.
Assistant Director

cc: Stephen O'Connell, Andrews Surveying & Engineering, Inc.