



MassWildlife

Commonwealth of Massachusetts

Division of Fisheries & Wildlife

Wayne F. MacCallum, *Director*

22 November 2005

RECEIVED
11/28/05

Stephen R. Pritchard, Secretary
Executive Office of Environmental Affairs
Attention: MEPA Office
Briony Angus, EOE No.13569
100 Cambridge St.
Boston, Massachusetts 02114

<i>Project Name:</i>	<i>Cedar Ridge Estates</i>
<i>Proponent:</i>	<i>Green View Realty, LLC</i>
<i>Location:</i>	<i>708 Prentice Street, Holliston</i>
<i>Document Reviewed:</i>	<i>Cedar Ridge Estates, Environmental Notification Form</i>
<i>EOEA Number:</i>	<i>13666</i>
<i>NHESP Tracking Number:</i>	<i>04-13962</i>

Dear Secretary Pritchard,

The Natural Heritage & Endangered Species Program (NHESP) of the MA Division of Fisheries & Wildlife has reviewed the ENF for the *Cedar Ridge Estates* and would like to offer the following comment regarding impacts to state-listed Rare Species and their habitats.

A portion of the proposed project occurs within *Priority Habitat* (PH 909) and *Estimated Habitat* (WH 245) as indicated in the 11th Edition of the Massachusetts Natural Heritage Atlas. Based on a review of the information provided and the information currently contained in our database, the NHESP has determined that this project is located within the actual habitat of the Spotted Turtle (*Clemmys guttata*), a species that is state-listed as "Special Concern" in accordance with the Massachusetts Endangered Species Act (MESA, MGL c131A) and its implementing regulations (321 CMR 10.00). It is our opinion that this project as currently proposed, will result in a prohibited "take" of the Spotted Turtle. Proposed work has the potential to kill or harm spotted turtles when moving between wetlands on the project site, and to disrupt estivation, feeding and possibly nesting behavior.

NHESP responded to a rare species habitat assessment by Coler & Colantonio (dated October 2005) on 15 November 2005. The plans accompanying the habitat assessment focused on potential habitat features and final site configuration. After reviewing the plans, the NHESP believed the project could be redesigned to avoid a prohibited "take" of Spotted Turtles by avoiding work (including storm-water management structures) a *minimum* of 100 ft of the A, B, C, and D series wetlands and avoiding work within the potential nesting habitat.

www.masswildlife.org

Division of Fisheries and Wildlife

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

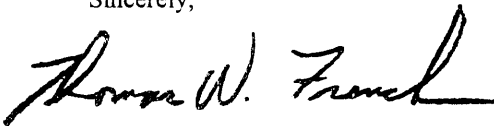
An Agency of the Department of Fisheries, Wildlife & Environmental Law Enforcement

We received detailed project plans with the ENF and new information regarding extensive potential site remediation within 100 feet of the above indicated wetlands. In particular, remediation in the "Areas of Concern" (AOC) located on the western portion of the property (i.e., AOC-4, AOC-5, AOC-2 and AOC-6). The NHESP recognizes the necessity of site remediation to remove hazards and will work with the proponent to evaluate proposed plans to avoid and minimize impacts to Spotted Turtles. It may be possible for the project to avoid a "take" of Spotted Turtles, through (1) work timing restrictions when working within 100 feet of the of the A, B, C, and D series wetlands; (2) appropriate turtle barriers; (3) avoiding placement of any structures (including storm-water management structures) a *minimum* of 100 ft of the A, B, C, and D series wetlands; and (4) appropriate habitat restoration. We encourage the proponent to continue to consult with the NHESP.

The proponent should file with the NHESP pursuant to the MESA with revisions to avoid and minimize impacts to Spotted Turtles. Upon receipt of a full MESA filing, the NHESP will determine if the project will result in a "take" of Spotted Turtles. Please note that project resulting in a "take" of state-listed species may only be permitted if they meet the performance standards for a Conservation and Management Permit (321 CRM 10.23). The NHESP website, www.nhesp.org (Regulatory Review tab), has details regarding the MESA regulations, filing requirements and fees.

If you have any questions about this letter, please contact Misty-Anne R. Marold, ext 166. We appreciate the opportunity to comment on this project.

Sincerely,



Thomas W. French, Ph.D.
Assistant Director

cc: Green View Realty, LLC
Kelly Killeen, Coler & Colantonio, Inc.
Holliston Conservation Commission
Holliston Planning Board
Holliston Board of Selectman
DEP Central Region, MEPA Coordinator