*Commonwealth of Massachusetts*

# Division of Fisheries & Wildlife

MassWildlife

FILE

Jack Buckley, *Director*

August 24, 2016

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PLANNING BOARD
GRAFTON, MA

Gordon Lewis
Bull Meadow LLC
2 Rachel Road
Boylston MA 01515

Grafton Conservation Commission
30 Providence Rd.
Grafton MA 01519

| | | |
|---|---|---|
| RE: | Project Location: | 109 Adams Road, off Appaloosa Drive, Grafton |
| | Project Description: | 15 Unit Residential Subdivision |
| | DEP Wetlands File No.: | Not Issued |
| | **NHESP File No.:** | **12-31264** |

EXHIBIT ~~26~~ 27

Dear Applicant and Commissioners:

The Natural Heritage & Endangered Species Program of the MA Division of Fisheries and Wildlife (the "Division") has received and reviewed a Notice of Intent and revised plans (dated June 10, 2016) for the subject project in compliance with the rare wildlife species section of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.37) 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 Division 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 Division finds that the revised plans do not change our previous determination that this project **will not result in a prohibited "take"** of state-listed rare species (Division letter dated August 13, 2014) and that previous determination stands. We note that all work is subject to the anti-segmentation provisions (321 CMR 10.16) of the MESA. Any activity not included in the current filing and located within *Priority Habitat* may require an additional filing with the Division for review if not otherwise exempt. If no physical work is commenced on the above proposed project within five years from the date of issuance of our original letter or there is a material change in the plans that were submitted to the Division, updated information and/or plans must be sent to the Division for review prior to any work.

Please contact Eve Schlüter, Chief of Regulatory Review, at eve.schluter@state.ma.us or 508-389-6346 with any questions or comments.

Sincerely,

Thomas W. French

Thomas W. French, Ph.D.
Assistant Director

cc: Brian Marchetti, McCarty Engineering, Inc.
MA DEP Central Region