

From: [Leddick, Jesse \(FWE\)](#)
To: [John Rockwood](#)
Cc: [Cheeseman, Melany \(FWE\)](#)
Subject: RE: CMP 00-009-DFW, Beaver Brook Road, Boxborough
Date: Friday, July 11, 2025 8:39:46 AM

Hi John – See my responses below, in blue. All the best,

Jesse Leddick

Assistant Director, Natural Heritage & Endangered Species Program

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From: John Rockwood <jrockwood@ecotecinc.com>
Sent: Monday, June 30, 2025 3:55 PM
To: Leddick, Jesse (FWE) <jesse.lednick@mass.gov>
Subject: CMP 00-009-DFW, Beaver Brook Road, Boxborough

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Jesse:

As you are aware, the Proponent is requesting the Boxborough Planning Board to amend and restate the Open Space Commercial District (OSCD) Special Permit for the Project Site. During the most recent meeting on this matter on June 2, 2025, questions were raised regarding MESA resources on the Project Site and the role that NHESP plays in the protection of grassland habitat for non-state-listed bird species. I am emailing to confirm our understandings as to the status of the Conservation and Management Permit and to seek your input as to certain questions raised at our last Planning Board meeting with respect to MESA and grassland habitat.

The Conservation and Management Permit

It is our understanding that NHESP has determined that the existing Conservation and Management Permit (CMP 00-0009-DFW):

- is valid,
- is under the control of the Proponent,
- allows for construction on all land then and now planned for development,
- no update or amendment of the CMP is anticipated for the proposed OSCD amendment, and
- the Proponent is in compliance with all CMP conditions.

We have agreed that going forward the Proponent will provide a long-term inspection and maintenance plan for the existing turtle barriers and turtle tunnels and will provide a turtle protection plan for construction activities on Lots 700 and 800. These documents will be provided for review and approval by NHESP and implemented by the Proponent under the direct supervision of a qualified biologist as directed by NHESP. Lastly, it is our understanding that the NHESP is confident that any technical issues related to continued compliance with the CMP and any potential concerns related to state-listed species can be resolved through ongoing consultation between the Proponent and NHESP. We would appreciate you confirming the foregoing understandings.

NHESP confirms the same. Notwithstanding that the proposed development of Lots 700 and 800 has been approved in the CMP, NHESP notes that implementation of an NHESP-approved long-term inspection and maintenance plan for turtle barriers / tunnels – and of an NHESP-approved turtle protection plan for construction activities on Lots 700/800 - are necessary to ensure ongoing compliance with the CMP.

Grassland Habitat on the Project Site

The fields at Lot 700 and 800 have been mowed 3 to 6 times per year for over two decades and non-state-listed bird species have been observed nesting within the maintained fields.

A member of the Planning Board asked that NHESP be contacted to obtain answers to the following questions:

1. The Project Site is mapped for the Blanding's Turtle and the Eastern Box Turtle. Do any other MESA resources (e.g., state-listed species) occur on the Project Site based upon current NHESP records?

It is correct that the Project Site is mapped for the above-referenced turtle species. In

addition, we note that since the CMP was issued, certain forested portions of the site have been mapped for Blue-spotted Salamander (Special Concern) and certain grassland portions of the site have been mapped for Eastern Meadowlark (Special Concern).

Eastern Meadowlark was first observed on the site in 2017; mapping of Priority Habitat for the species occurred in 2021. Given that the CMP has been and remains valid and in effect - and given that Eastern Meadowlark is a species of Special Concern - no further review or permitting related to this species is required for the project. That said, we would like to discuss implementation of an NHESP-approved protection plan for construction activities on Lots 700/800 to avoid inadvertent impacts to Eastern Meadowlark during its nesting season (typically April 15 – July 31); this protection plan can be integrated into the protection plan already being developed for state-listed turtles.

Similarly, since the CMP remains in effect, no further review or permitting is required with respect to the Blue-spotted Salamander. NHESP further notes that this species is only associated with forested portions of the project site and not parcels approved for development.

2. What is NHESP's role in the protection and management of grassland habitat for non-state-listed bird species?

NHESP's review and permitting authority under the MESA and its implementing regulations (321 CMR 10.00) is limited to state-listed species and their habitats. To the extent that there are non-state-listed bird species at the project site, those fall outside the MESA review and permitting process.

NHESP understands that in response to public feedback, a grassland restoration/management project may be proposed on Lots 16/17 of the Project Site. While such a grassland restoration management plan for non-state-listed species is not required by NHESP, if this proposal moves forward, NHESP would request to review and approve the associated restoration/management plan prior to implementation to ensure it is consistent with the CMP and that it protects and/or enhances habitat for state-listed species known to occur on the site (i.e., Blanding's and Eastern Box Turtle, Blue Spotted Salamander, and Eastern Meadowlark).

Thank you for your anticipated response and your prompt attention to this matter.

John

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