

Baseline Documentation Report



DRAFT October 1, 2021

Conservation Restriction Area
Willow Road
Map 6, Block 2, Lot 2.2
Boxford, Massachusetts

Grantor
Toll Brothers, Inc.
116 Flanders Road, Suite 1200
Westborough, MA 01581

Grantee
Town of Boxford
Conservation Commission
7A Spofford Road
Boxford, MA 01921

LEC Environmental Consultants, Inc.
380 Lowell Street, Suite 101
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October 1, 2021 **DRAFT****Email** (rpovenmire@town.boxford.ma.us)

Boxford Conservation Commission
 7A Spofford Road
 Boxford, MA 01921

**Re: Baseline Documentation Report
 Willow Road
 Map 6, Block 2, Lot 2.2
 Boxford, Massachusetts**

[LEC File #: TBI\18-044.02]

Dear Members of the Commission:

On behalf of the Grantor, Toll Brothers, Inc. (“Toll”), LEC Environmental Consultants, Inc., (LEC) has prepared this Baseline Documentation Report for 90.8± acres of Open Space on the above-referenced parcel in Boxford, Massachusetts (herein referred to as the “Premises”). The Willows at Boxford Active Adult Community Development included preservation of this Open Space to be placed under an Executive Office of Energy and Environmental Affairs (EEA) Conservation Restriction (CR) with the Boxford Conservation Commission as the Grantee.

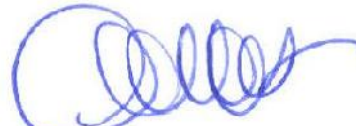
LEC conducted a site evaluation on **INSERT DATE**, 2021 to inspect the existing site conditions and gather photographic documentation of unique site features and the boundaries of the Open Space. The Baseline Documentation Report includes a written description of the Open Space, photographs and a photopoint map (Appendix B), a copy of the executed CR and the *Conservation Restriction Plan* (“Plan”) prepared by The Morin-Cameron Group, Inc. dated September 2, 2021 (Appendix C), and the required affidavits (Appendix E-G).

If you have any questions or require additional information, please do not hesitate to contact me in our Wakefield office at 781-245-2500 or at dwells@lecenvironmental.com.

Sincerely,

LEC Environmental Consultants, Inc.


Daniel L. Wells
 Senior Wildlife/Wetland Scientist



Ann M. Marton, President
 Director of Ecological Services

cc: Toll Brothers, Inc.

LEC Environmental Consultants, Inc.**www.lecenvironmental.com**

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Baseline Documentation Report

| | | |
|-----------|--|----------|
| 1. | Conservation Restriction History and Chronology | 1 |
| 2. | Conservation Abstract | 1 |
| 3. | Directions to the Site | 3 |
| 4. | Existing Site Conditions | 3 |
| 4.1 | Upland Habitat | 3 |
| 4.2 | Wetland Resource Areas | 4 |
| 4.3 | Conservation Values | 5 |

Appendices

Appendix A

Locus Maps

Figure 1: Assessors' Map

Figure 2: USGS Topographic Map

Figure 3: Aerial Orthophoto & NHESP Map

Figure 4: FEMA Flood Insurance Rate Map

Appendix B

Baseline Photographs

Photopoint Map

Photographer's Affidavit

Appendix C

Executed Conservation Restriction

Conservation Restriction Plan ("Plan"), prepared by The Morin-Cameron Group, Inc., dated September 2, 2021

Appendix D

Recorded ANR Plan

Plan of Land, prepared by The Morin-Cameron Group, Inc., dated August 6, 2021

Appendix E

Preparer's Affidavit

Appendix F

Landowner (Grantor) Affidavit

Appendix G

Holder (Grantee) Affidavit

1. Conservation Restriction History and Chronology

The Conservation Restriction for the Premises was granted by Toll Brothers, Inc. (Grantor) as a requirement of the Conservation & Management Permit (CMP), Permit No. 02*-xyz.DFW, issued on October 7, 2021 for the project under the *Massachusetts Endangered Species Act* (MESA, M.G.L. c. 131A) and its implementing *Regulations* (321 CMR 10.00) by the MA Division of Fisheries & Wildlife (Division). The CR is a component of a Conservation and Management Plan that results in a long-term Net Benefit to the conservation of the state-listed Blanding’s Turtle (*Emydoidea blandingii*) and Wood Turtle (*Glyptemys insculpta*). The proposed Conservation and Management Plan includes a 90.8± acre Conservation Restriction and long-term habitat management to provide a Net Benefit for the Blanding’s Turtle and Wood Turtle.

The Conservation Restriction was granted under the authority of the state’s Conservation Restriction Act (Sections 31 – 33 of Chapter 184 of the General Laws). The Premises covers approximately 90.8± acres of a 117.6± acre property shown as “Conservation Restriction Area 1” and “CRA 2” (the “Premises”) on the plan entitled *Conservation Restriction Plan* (“Plan”), prepared by The Morin-Cameron Group, Inc., dated September 2, 2021 (Appendix C).

2. Conservation Abstract

Property Information

County: Essex

Street Address: Willow Road

Town/State/Zip: Boxford, Massachusetts 01921

Restricted Acreage: 90.8 acres (3,955,206 square feet)

Tax Parcel Reference: Map 6, Block 2, Lot 2.2

Town Hall Address: 7A Spofford Road, Boxford, MA 01921

Town Hall Telephone: (978) 887-6000

Conservation Restriction

Grantor Name: Toll Brothers, Inc.

Mailing Address: 116 Flanders Road, Suite 1200

Town/State/Zip: Westborough, MA 01581

Telephone: (508) 366-1440

Purchase Amount (if any):

Stewardship Endowment (if any): None

CR Effective Date:

CR Recording Date:

CR Recording References: Book: Page:

Deed Recording References: Book: Page:

Plan Recording References: Book: Page:

Current Fee Owner (if other than Grantor)

Owner Name:

Mailing Address:

Town/State/Zip:

Acquired Ownership (date):

Deed Recording References: Book: Page:

Synopsis of Restrictions (See text of Conservation Restriction for comprehensive list and descriptions)

Purposes: The purpose of the Conservation Restriction is to assure that the Premises will be retained in perpetuity substantially in its natural, scenic, and vegetated condition and to prevent any use of the Premises that will impair or interfere with its Conservation Values. The values to be protected include wildlife and habitat protection, preservation of unique upland and wetland natural communities, connectivity to nearby public open spaces, scenic landscape preservation, flood plain protection, water quality protection, and furtherance of the Town of Boxford's Open Space and Recreation Plan (2015).

Prohibitions: Hunting, fishing or trapping; swimming, boating and kayaking; construction or placement of any structures; mining, excavating or dredging of soils; placing or storing of soils, trash or refuse; cutting or destroying vegetation; applying fertilizers, pesticides or herbicides; activities detrimental to drainage, flood control, erosion control, water or soil conservation, archaeological resources or the quality of ground water and wetlands; any commercial recreation, other business or industrial use; animal penning or grazing; using, parking or storing motorized vehicles; disrupting, removing, destroying any stone walls, historical stone monuments, or granite fences or posts; any other use or activity which is inconsistent or interferes with, or that would materially impair the purposes or Conservation Restriction's Purpose.

Reserved Rights¹: After consultation with and consistent with the advice of a professional biologist to ensure such use will not be detrimental to any state-listed species or other wildlife, the erection and maintenance of sight-pervious, non-enclosing, wildlife friendly fences, such as wooden split rail or other open-faced fences, or low hedges of native species; the installation of temporary or permanent boundary monuments; the installation and maintenance of small signs that provide information including identifying the Grantor and Grantee; passive recreational uses of the Premises, such as nature study, birding, wildlife observation, walking on existing trails, and similar passive recreation activities; removal or control of hazardous trees, poison ivy, oriental bittersweet, other invasive or exotic species, insect infestations, diseases, and other types of pests; restoration, maintenance, enhancement or otherwise management of biotic communities or habitats for native or rare species; marking, clearing, mowing or maintaining of footpaths and woods roads; Archaeological investigations and activities; installation of irrigation wells within Conservation Restriction Area 1.

Reserved Rights Requiring Notice or Approval from Grantee in writing: Yes, prior written approval of the Grantee and Division for all activities associated with fencing, vegetation management, wildlife habitat improvement, and the installation of wells in CR Area 1.

3. Directions to Site

The Premises can be accessed from two designated locations: a gravel public parking area north of Willow Road, 600 feet east of the entrance to The Willows at Boxford, and across from 97 Willow Road; and a trail entrance with kiosk, located between 18 and 22 Pine Plain Road.

4. Existing Site Conditions

The Premises is comprised of 90.8± acres located north of Willow Road, west of Pine Plain Road, and east and south of the Parker River. Residential, single-family development occurs east of the Premises along Pine Plain Road; to the south along Willow Road, Deer Run Road, and Rocky Brook Way; and to southwest along Whittier Terrace. Land north of the Premises consists of approximately 147± acres of preserved land; 73± acres in fee ownership by the Price Family, with the remaining 74± acres owned in fee by the Essex County Greenbelt. Land west of the premises contains The Willows at Boxford, consisting of 33 duplex, townhouse-style residential buildings; a club house with swimming pool, patio, pergola, walking paths, and associated parking; two

¹ All activities are permitted only if such uses and activities do not materially impair the conservation values or purposes of the Conservation Restriction and shall be in compliance with all applicable municipal, state, and federal laws, regulations, rules, bylaws, and permits.

private drives and an emergency access drive; stormwater management; on-site septic system; private water supply and well access drive; and associated infrastructure.

Developed portions of the Premises contain a mixture of existing and historic agricultural uses, including hay fields in the northerly portion of the Premises, and existing unpaved earthen trails meandering throughout the Premises. Undeveloped portions of the Premises are composed of mixed deciduous and evergreen forested uplands, early successional habitat, and wetlands.

4.1 **Upland Habitat**

The mixed deciduous and evergreen forested uplands are primarily dominated by a moderately dense canopy of oak (*Quercus* sp.), eastern white pine (*Pinus strobus*), and hemlock (*Tsuga canadensis*) amongst rolling topography.

Early successional habitat conditions are located within the northeasterly portion of the Premises, dominated by sweet fern (*Comptonia peregrina*), raspberry (*Rubus ideaus*), blackberry (*Rubus allegheniensis*), black huckleberry (*Gaylussacia baccata*), miscellaneous grasses, and gray birch (*Betula populifolia*) saplings and saplings from the surrounding forested upland.

4.2 **Wetland Resource Areas**

A mix of palustrine forested broad-leaved wetlands, marshes, and riverine perennial scrub-shrub wetlands are associated with the Parker River. The Parker River generally flows within a meandering 10-20± foot wide main channel with inundated marsh and scrub-shrub wetlands abutting. Forested wetlands occur along the fringes of the Parker River, and are associated with several intermittent streams that feed into the Parker River. The interior forested wetlands can generally be characterized as red maple swamps or eastern hemlock forests. Cattails (*Typha latifolia*) and miscellaneous herbaceous vegetation primarily extend around the perimeter of three farm ponds separated by earthen dikes/berms.

The Premises contains four confirmed Vernal Pools. Vernal Pool #1 is within a Bordering Vegetated Wetland (BVW) in the extreme southeastern portion of the Premises. Vernal Pools #2 and #3 are located within a BVW in the southwestern portion of the Premises. The fourth Vernal Pool is located within a BVW in the northern portion of the Premises.

4.3 **Conservation Values**

The Premises contains numerous Conservation Values as identified within the Conservation Restriction and further detailed below.

Protection of Wildlife and Habitat

The Premises will protect upland and forested wetland habitats and Vernal Pools that provide habitat for a variety of wildlife. Conservation of the Premises will protect habitat used by a variety of wildlife including, but not limited to, Blanding's Turtles, Wood Turtles, white-tailed deer, small mammals, reptiles, amphibians, and birds.

Preservation of Unique Upland and Wetland Natural Communities

The Premises contain fields, early successional habitat, vernal pools, upland forest, and wetland habitat, including the Parker River, for native wildlife and plant species and communities, including many species of native plants, lichens, mammals, birds, reptiles, amphibians, and invertebrates.

Connectivity to Nearby Public Open Spaces

The Premises connect to the 54± acre “Hazeltine Meadow” conservation area owned by the Essex County Greenbelt Association (aka “Ingalls Memorial Wetlands”) via existing paths and a wooden boardwalk over the Parker River, a 74± acre Conservation Restriction held by Essex County Greenbelt Association (“Price CR”), and the 19± acre Chadwick Farm Road Conservation Area” owned by the Essex County Greenbelt Association.

Scenic Landscape Preservation

The Premises comprise part of a scenic landscape associated with a natural, undisturbed environment. The open space conservation land protected under this Conservation Restriction is an important public resource. The preservation of the Premises, by prohibiting significant alterations to the natural character thereof, will further protect and enhance the area’s scenic and open space attributes and the recreational, human enjoyment, and ecological value of conservation land and open space.

Flood Plain Protection

Portions of the Premises lie within the 100-year floodplain of the Parker River. The protection of this floodplain will ensure the continued availability of this flood storage during major storm events.

Water Quality Protection

Preserving the natural, undisturbed environment will provide for groundwater recharge and protect Wetland Resource Areas. The Vernal Pools are considered Class B Outstanding Resource Water (ORWs).

Furtherance of Government Policy

Protection of the Premises furthers the Town of Boxford 2015 Open Space and Recreation Plan that facilitate the protection of the Town’s natural resources. The Premises are located within NHESP’s BioMap2 Core Habitat..

Appendix A

Figure 1: Assessors' Map

Figure 2: USGS Topographic Map

Figure 3: Aerial Orthophoto & NHESP Map

Figure 4: FEMA Flood Insurance Rate Map

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Appendix B

Baseline Photograph Documents

Figure 6: Baseline Photographs

Photopoint Map

Photographers Affidavit

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