



*The Commonwealth of Massachusetts*  
*Executive Office of Energy and Environmental Affairs*  
*100 Cambridge Street, Suite 900*  
*Boston, MA 02114*

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April 13, 2018

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS  
ON THE  
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME	: Meeting House Way Residential Subdivision
PROJECT MUNICIPALITY	: Edgartown
PROJECT WATERSHED	: Islands
EEA NUMBER	: 15823
PROJECT PROPONENT	: Meeting House Way Residential LLC
DATE NOTICED IN MONITOR	: March 7, 2018

Pursuant to the Massachusetts Environmental Policy Act (M.G. L. c. 30, ss. 61-62I) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

Project Description

As described in the Environmental Notification Form (ENF), the project consists of the construction of a 36-lot residential development on an undeveloped parcel of land zoned for residential use. The proposed development is clustered on the northwestern portion of the site and approximately 13.0 acres will be designated as open space. The project includes a subdivision roadway to provide access from Meeting House Way. It will include internal roadways, sidewalks, landscaping, and other associated infrastructure, including stormwater management systems. The project will be served by existing water and sewer mains.

### Project Site

The 54.26-acre project site is located at 139 Meeting House Way and is approximately 1.5 miles southwest of downtown Edgartown. It is bounded by Meeting House Way to the south, Meshacket Road to the north, and Division Road (a.k.a. Henry's Path) to the west. Surrounding land uses include residential neighborhoods, limited commercial uses, and undeveloped woodlands and fields accessed via a network of paved and gravel roadways under local control. A former municipal landfill is located north of the property and town-owned open space is located to the southwest, on the opposite side of Meeting House Way.

Portions of the site are mapped as Priority Habitat for the Imperial Moth (*Eacles imperialis*), a species state-listed as "Threatened" according to the Massachusetts Natural Heritage Atlas (14<sup>th</sup> Edition).

### Environmental Impacts and Mitigation

Potential environmental impacts associated with the project include: alteration of 23.88 acres of land; creation of 4.73 acres of impervious area; generation of 410 new average daily vehicle trips (adt); creation of 72 new parking spaces; use of 26,136 gallons per day (gpd) of water; generation of 23,760 gpd of wastewater; and construction of 1.52 miles of water mains and 1.24 miles of sewer mains. The project will permanently impact approximately 8.4 acres of *Priority Habitat* for the Imperial Moth.

Measures to avoid, minimize, and mitigate impacts include locating development outside of habitat, permanent protection of almost 13 acres of habitat through placement of a conservation restriction (CR); installation and maintenance of a fully compliant stormwater management system; and implementation of construction best management practices (BMPs).

### Permits and Jurisdiction

The project is undergoing MEPA review and required the filing of an ENF pursuant to 301 CMR 11.03(2)(b)(2) of the MEPA regulations because it requires a State Agency Action and will result in the disturbance of greater than two acres of designated priority habitat that results in a Take of a state-listed endangered or threatened species or species of special concern. The project requires a Conservation and Management Permit (CMP) from the Natural Heritage and Endangered Species Program (NHESP).

The project will also require a National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the U.S. Environmental Protection Agency (EPA).

Because the Proponent is not seeking Financial Assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that are within the subject matter of required or potentially required State Agency Actions and that may cause Damage to the Environment as defined in the MEPA regulations. In this case MEPA jurisdiction extends to land alteration and rare species.

### Review of the ENF

The ENF provides a description of the project, preliminary project plans, and analysis of alternatives. It identifies measures to avoid, minimize and mitigate environmental impacts.

Project alternatives included the Preferred Alternative, a No-Build Alternative and a Conventional Plan Alternative. The No-Build Alternative would not result in impacts to rare species habitat, but would not meet the project purpose. The Conventional Plan Alternative consists of a subdivision that meets local Subdivision Rules and Regulations. It represents almost complete build-out of the property with 52 house lots. This Alternative was dismissed because the considerably greater number of house lots and associated roadway infrastructure would require longer roadways, increase impacts to rare species and require additional stormwater management.

The Preferred Alternative minimizes land disturbance, creation of new impervious area and impacts to rare species habitat compared to the Conventional Plan Alternative. It will permanently preserve approximately 25 percent of the site (13 acres) as rare species habitat.

### *Rare Species*

The Imperial Moth and its habitat are protected pursuant to the Massachusetts Endangered Species Act (MESA, M.G.L. c.131A) and its implementing regulations (321 CMR 10.00). The NHESP has concluded that the Preferred Alternative will result in a "take" (321 CMR 10.18 (2)(b)) of Imperial Moth due to the permanent loss and/or fragmentation of suitable habitat and interference with the feeding, breeding, over-wintering and migratory activities of this species.

Accordingly, the project may only be permitted if it meets the performance standards for a CMP. As indicated by the NHESP, the Proponent has worked collaboratively with permitting authorities to develop a Preferred Alternative that is consistent with the applicable MESA performance standards. The Proponent intends to meet these performance standards by:

- a) Permanently protecting 13 acres of the property, to be held by a qualified land trust, nonprofit organization, or government entity as open space and state-listed species habitat;
- b) Installing permanent signage to delineate the boundaries of the open space;
- c) Implementing a NHESP-approved plan to enhance on-site habitat for state-listed species; and,
- d) Providing funding for off-site habitat restoration, management, protection and/ or conservation research to benefit Imperial Moth and its habitats in Massachusetts.

The Preferred Alternative establishes a contiguous and permanently protected "moth habitat corridor" at the east and south extents of the property to preserve the highest quality moth habitat on the site. This corridor is assumed to provide the highest quality habitat because it supports the densest growth of pitch pine compared to the remainder of the property.

As noted by the NHESP, a final determination pursuant to 321 CMR 10.18(2)(b) will not be rendered until completion of the MEPA process and receipt of all required MESA review and MESA

CMP application materials are submitted. The exact details of the long-term Net Benefit mitigation will be finalized as part of the MESA review process. The Proponent should continue to work with the NHESP during the final design process to ensure compliance with MESA and its implementing regulations.

### *Historical Archaeological Resources*

The ENF did not include any historic archaeological resources listed on the Inventory of Historic and Archaeological Assets; however, comments from Massachusetts Historical Commission (MHC) indicate that undisturbed portions of the project site are archaeologically sensitive. The archaeological sensitivity of the project site is principally defined by its proximity to other recorded archaeological sites and its environmental setting.

Because undisturbed portions of the site have been deemed archaeologically sensitive, MHC recommends that the Proponent conduct an intensive (locational) archaeological survey pursuant to 950 CMR 70. The purpose of the survey is to locate and identify any significant historic or archaeological resources that may be affected by the project to inform how the project can be designed and constructed to avoid, minimize, or mitigate any adverse effects to significant archaeological resources. The Proponent should coordinate any proposed survey work with NHESP to avoid impacts to rare species.

### *Water Withdrawal*

Comments from Massachusetts Department of Environmental Protection indicate that the Town of Edgartown is currently exceeding its authorized water withdrawal volumes (0.92 million gallons per day (mpd)) under its Water Management Act approvals. The Town of Edgartown must address its system-wide water demand increases by applying for and obtaining a new Water Management Permit from MassDEP. Therefore, the Proponent should work with the Town of Edgartown to mitigate any additional water demands associated with the project.

### *Greenhouse Gas Emissions (GHG)*

I encourage the Proponent to voluntarily undertake measures to minimize the GHG emissions of the project by incorporating energy conservation measures into the project design. Energy efficiency measures may also reduce the heating and cooling costs for the future residents of the homes. Measures that may be suitable for the project include:

- Roof and wall insulation with high R-values and energy efficient windows;
- Increased furnace efficiency or use of high-efficiency condensing boilers;
- Efficient water heater (heat pump, combination with condensing boiler, and on-demand)
- Use of energy efficient appliances (i.e., Energy Star);
- Installation of low-flow plumbing fixtures;
- Use of LED lighting;
- Air-source or ground-source heat pumps for heating and cooling; and
- Rooftop solar photovoltaic (PV) systems.

I also encourage the Proponent to consult with local utilities about rebates or consider other incentives for implementing energy efficiency measures. For more information, I recommend that the Proponent consult the Executive Office of Energy and Environmental Affairs website:  
<http://www.mass.gov/eea/energy-utilities-clean-tech/energy-efficiency/ee-for-your-home>.

### *Construction*

Erosion control best management practices (BMPs) will be installed to create a limit of work and provide protection of the habitat corridor. Erosion and sedimentation control measures should be implemented, inspected, and maintained throughout the construction period, and repairs to these measures should be made in a timely and effective fashion, as necessary.

All construction should be managed in accordance with applicable MassDEP Solid Waste and Air Pollution Control regulations pursuant to M.G.L. c.40, §54. I encourage the Proponent to require contractors to install emission control devices on all off-road construction vehicles in an effort to reduce emissions of volatile organic compounds (VOCs), carbon monoxide (CO) and particulate matter (PM) from diesel-powered equipment. Off-road vehicles are required to use ultra-low sulfur diesel fuel (ULSD). All construction activities should be undertaken in compliance with the conditions of all State and local permits.

### Conclusion

The ENF has sufficiently defined the nature and general elements of the project for the purposes of MEPA review and demonstrated that the project's environmental impacts will be avoided, minimized and/or mitigated to the extent practicable. Based on review of the ENF and comments received, and in consultation with State Agencies, I have determined that no further MEPA review is required.

April 13, 2018

Date



Matthew A. Beaton

### Comments Received:

03/15/2018	Massachusetts Office of Coastal Zone Management
03/16/2018	Massachusetts Historical Commission
03/21/2018	Massachusetts Division of Fisheries and Wildlife – Natural Heritage and Endangered Species Program
04/05/2018	Martha's Vineyard Commission
04/06/2018	Massachusetts Department of Environmental Protection – Southeast Regional Office (MassDEP – SERO)

MAB/ACC/acc





AC ✓

**The Commonwealth of Massachusetts**  
William Francis Galvin, Secretary of the Commonwealth  
Massachusetts Historical Commission

RECEIVED

MAR 23 2018

MEPA

March 16, 2018

Secretary Matthew A. Beaton  
Executive Office of Energy & Environmental Affairs  
Attn: Anne Canaday, MEPA Unit  
100 Cambridge Street, Suite 900  
Boston, MA 02114

RE: Meeting House Way Residential Subdivision, 139 Meeting House Way, Edgartown, MA. MHC #RC.63997. EEA #15823.

Dear Secretary Beaton:

Staff of the Massachusetts Historical Commission (MHC) have reviewed the Environmental Notification Form (ENF) for the project referenced above.

Undisturbed portions of the project impact area are archaeologically sensitive. The archaeological sensitivity of the project impact area is principally defined by its proximity to recorded archaeological sites and its environmental setting. The project environmental setting includes upland locations containing areas of well-drained soils located in proximity to the wetlands of Edgartown Great Pond, favorable for ancient and historical period land use and occupation.

The MHC recommends that an intensive (locational) archaeological survey (950 CMR 70) be conducted for the archaeologically sensitive portions of the project. The goal of the investigation is to locate and identify any significant archaeological resources that could be affected by the project, well in advance of any project construction. The results of the survey will be considered in consultation to avoid, minimize or mitigate adverse effects to any significant archaeological resources identified in the project impact area.

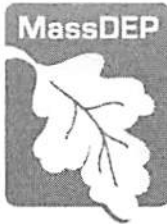
Archaeological site locational information is not a public record and also confidential to protect the sites (Massachusetts General Laws Chapter 9, sections 26A(1) and (5) & 27C). Archaeological reports should never be included in documents prepared for public review. Summary information of archaeological survey results can be prepared by the archaeologist.

These comments are offered to assist in compliance with M.G.L Chapter 9, Sections 26-27C (950 CMR 70-71) and MEPA (301 CMR 11). If you have any questions or require additional information, please contact Jonathan K. Patton at this office.

Sincerely,

Brona Simon  
Executive Director  
State Historic Preservation Officer  
State Archaeologist  
Massachusetts Historical Commission

cc: Dong Anderson, Meeting House Way, LLC c/o McCarron, Murphy & Vukot, LLP  
Bettina Washington, Wampanoag Tribe of Gay Head (Aquinnah)  
Ramona Peters, Mashpee Wampanoag Tribe  
Sean D. Hale, Normandeau Associates, Inc.  
Deborah C. Cox, PAL, Attn: Holly Herbster



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Matthew A. Beaton  
Secretary

Martin Suuberg  
Commissioner

April 6, 2018

Mathew A. Beaton,  
Secretary of Environment and Energy  
Executive Office of Environmental Affairs  
ATTN: MEPA Office  
100 Cambridge Street, Suite 900  
Boston, MA 02114

RE: ENF Review EOEEA #15823  
EDGARTOWN.Meeting House Way  
Residential Subdivision at 139 Meeting  
House Way

Dear Secretary Beaton,

The Southeast Regional Office of the Department of Environmental Protection (MassDEP) has reviewed the Environmental Notification Form (ENF) for the Meeting House Way Residential Subdivision at 139 Meeting House Way, Edgartown, Massachusetts (EOEEA # 15822). The Project Proponent provides the following information for the Project:

The proposed project consists of a 36-home residential subdivision with associated development envelopes for structures and residential landscaping; proposed paved roadways, and utility infrastructure. A primary subdivision roadway will provide access from Meeting House Way to the south and connect to Meshacket Road to the north. Internal roadways and cul-de-sacs will provide access to the 36 lots, several of which may involve shared driveways to retain the sense of the undeveloped, wooded character of the property, with building envelopes and house pads set behind a swath of undisturbed native vegetation. The overall area proposed for development has been focused toward the northwest extent of the existing parcel to facilitate establishment of a permanently-protected moth habitat corridor that preserves the highest quality habitat on the property along the south and east boundaries of the parcel. The project has also minimized the direct disturbance of the remaining Priority Habitat at the site beyond the protected corridor to the extent practicable by limiting and demarcating clearing of vegetation for house pads and landscaped areas (see Figure 5 – Plan of Land in Edgartown, Mass. & Figure 6 – Meeting House Way in Attachment B).

The project is served by local roadways, and the number of vehicle trips generated by the project will not require intersection improvements at the nearest state-controlled roadway, Edgartown-West Tisbury Road. A public water and sewer main presently run beneath Meshacket Road located approximately 60 feet to the north on land associated with the former town landfill. The proposed project will tie into this existing infrastructure via an easement across assessor's parcel 28-240, involving a looped water main to maintain adequate flow capacity for fire suppression and water quality, and a dead-ended force main to manage wastewater flows (see Figure 9 – Proposed Water & Sewer Layout).

***Bureau of Water Resources Comments:***

Wetlands and Waterways Program. No wetlands resource area impacts or buffer zones were identified in the ENF.

Wastewater Management Comments: With a permitted capacity of 750,000 gpd, the Edgartown WWTF should be able to accommodate the Projected flow from this subdivision; however, the Edgartown Great Pond watershed is nitrogen impaired and a TMDL has been issued for the watershed. The subdivision constitutes new nitrogen loading. It is unclear from the ENF how the Proponents propose to mitigate this additional load. The Department would expect that the Proponents provide an offset in load so that there is no net increase in nitrogen loading to the watershed.

Water Management Comments: The Proponent should be aware that the Town of Edgartown is currently exceeding its authorized water withdrawal volumes (0.92 million gallons per day (gpd)) under its Water Management Act approvals. Furthermore, the Department of Conservation and Recreation (DCR)-approved Water Needs Forecasts (WNF) for Edgartown in 2010 identified a demand of 1.16 mgd with an additional 5% available for a Projected demand of 1.22 mgd by the year 2031. In light of these circumstances, the Town of Edgartown must address its system-wide water demand increases by applying for and obtaining a new Water Management Permit from MassDEP. The Proponent should work with the Town of Edgartown to mitigate any additional water demands associated with the Project.

Additionally, the Projected demand of 26,136 gpd from the proposed 36 home subdivision appears to be significantly above the state standard of 65 residential gallons per capita day (RGPCD). The Proponent should review the water use calculations presented in the ENF and should seek to implement measures to conserve water both within the home and for landscaping/irrigation purposes to limit mitigation requirements on the Town of Edgartown and seek to achieve the 65 RGPCD standard.

Construction Stormwater Permit. The Proponent has identified the need for a NPDES Stormwater Permit for Construction Activities.

***Bureau of Waste Site Cleanup Comments:***

ENF # 15823 – The Bureau of Waste Site Cleanup (BWSC) searched its databases for disposal sites and release notifications that have occurred at or might impact the proposed Project area. A disposal site is a location where there has been a release to the environment of oil and/or hazardous material that is regulated under M.G.L. c. 21E, and the Massachusetts Contingency Plan [MCP – 310 CMR 40.0000].

There are no listed MCP disposal sites located at or in the vicinity of the site that would appear to impact the proposed Project. Interested parties may view a map showing the location of BWSC disposal sites using the MassGIS data viewer (Oliver)

at: [http://maps.massgis.state.ma.us/map\\_ol/oliver.php](http://maps.massgis.state.ma.us/map_ol/oliver.php) Under “Available Data Layers” select “Regulated Areas”, and then “DEP Tier Classified 21E Sites”. The compliance status and report submittals for specific MCP disposal sites may be viewed using the BWSC Waste Sites/Reportable Release Lookup at: <http://public.dep.state.ma.us/SearchableSites2/Search.aspx>



*The Project Proponent is advised that if oil and/or hazardous material are identified during the implementation of this Project, notification pursuant to the Massachusetts Contingency Plan (310 CMR 40.0000) must be made to MassDEP, if necessary. A Licensed Site Professional (LSP) should be retained to determine if notification is required and, if need be, to render appropriate opinions. The LSP may evaluate whether risk reduction measures are necessary if contamination is present. The BWSC may be contacted for guidance if questions arise regarding cleanup.*

***Bureau of Air and Waste Comments:***

Air Quality. Construction and operation activities shall not cause or contribute to a condition of air pollution due to dust, odor or noise. To determine the appropriate requirements please refer to:

- 310 CMR 7.09 Dust, Odor, Construction, and Demolition
- 310 CMR 7.10 Noise

**Construction-Related Measures.** MassDEP requests that the Proponent use construction equipment with engines manufactured to Tier 4 federal emission standards, which are the most stringent emission standards currently available for off-road engines. If a piece of equipment is not available in the Tier 4 configuration, then the Proponent should use construction equipment that has been retrofitted with the best available after-engine emission control technology, such as oxidation catalysts or diesel particulate filters, to reduce exhaust emissions. The Proponent should provide a list of the engines, their emission tiers, and, if applicable, the best available control technology installed on each piece in the subsequent environmental filing.

**Massachusetts Idling Regulations.** MassDEP requests that the Proponent state specifically in the subsequent environmental filing how it plans to prohibit the excessive idling during the construction period. Typical methods of reducing idling include driver training, periodic inspections by site supervisors, and posting signage. In addition, to ensure compliance with this regulation once the Project is occupied, MassDEP requests that the Proponent establish permanent signage limiting idling to five minutes or less at the completed Project.

**Solid Waste Comments:** As a result of its review of the Environmental Notification Form (ENF) for the Edgartown Meeting House Way Residential Subdivision EEA No. 15823 (Project or Site), the Massachusetts Department of Environmental Protection (MassDEP) Solid Waste Management Section (Solid Waste) is providing the following comments:

The ENF indicates that substantial clearing will be conducted for the Project.

- Stumps, trees and brush (i.e., clean wood) may be handled in accordance with 310 CMR 16.03(2)(c)7 which allows for the on-site processing (i.e., chipping) of these materials for use at the Site (e.g., as landscaping material) and/or transferring of these materials to a permitted facility (i.e., wood waste reclamation facility) or other facility that is permitted to accept and process clean wood. Tree stumps generated from Project activities are not allowed to be buried or disposed of at the Site pursuant to 310 CMR 16.00 & 310 CMR 19.000 (Solid Waste regulations).

Additionally, the Proponent states: “Interspersed with the forested uplands, there are areas of existing disturbance consisting of gravel roads and clearings containing debris associated with prior use of the property for storage of construction and other materials.”

- All “debris” and “materials” at the Site that is determined to be solid waste (e.g., construction and demolition waste) and/or recyclable material (e.g., metal, asphalt, brick, and concrete) shall be disposed, recycled, and/or otherwise handled in accordance with the Solid Waste Regulations including 310 CMR 19.017: *Waste Bans*.
- In particular, Asphalt, brick and concrete (ABC) rubble, such as the rubble generated by the demolition of buildings must be handled in accordance with the Solid Waste regulations. These regulations allow, and MassDEP encourages, the recycling/reuse of ABC rubble. The Proponent should refer to MassDEP's Information Sheet, entitled "Using or Processing Asphalt, Brick and Concrete Rubble, Updated February 27, 2017", that answers commonly asked questions about ABC rubble and identifies the provisions of the solid waste regulations that pertain to recycling/reusing ABC rubble. This policy can be found on-line at the MassDEP website: [www.mass.gov/dep](http://www.mass.gov/dep).

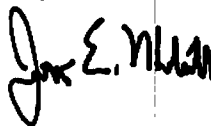
Please contact Mark Dakers at (508) 946-2847 with any questions pertaining to these comments and Solid Waste regulations.

***Proposed s.61 Findings***

The “Certificate of the Secretary of Energy and Environmental Affairs on the Environmental Notification Form” may indicate that this Project requires further MEPA review and the preparation of an Environmental Impact Report. Pursuant to MEPA Regulations 301 CMR 11.12(5)(d), the Proponent will prepare Proposed Section 61 Findings to be included in the EIR in a separate chapter updating and summarizing proposed mitigation measures. In accordance with 301 CMR 11.07(6)(k), this chapter should also include separate updated draft Section 61 Findings for each State agency that will issue permits for the Project. The draft Section 61 Findings should contain clear commitments to implement mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation.

The MassDEP Southeast Regional Office appreciates the opportunity to comment on this proposed Project. If you have any questions regarding these comments, please contact George Zoto at (508) 946-2820.

Very truly yours,



Jonathan E. Hobill,  
Regional Engineer,  
Bureau of Water Resources

JH/GZ

Cc: DEP/SERO

ATTN: Millie Garcia-Serrano, Regional Director  
David Johnston, Deputy Regional Director, BWR  
Maria Pinaud, Deputy Regional Director, BAW  
Gerard Martin, Deputy Regional Director, BWSC

Jennifer Viveiros, Deputy Regional Director, ADMIN  
Jim Mahala, Chief, Wetlands and Waterways, BWR  
Duane LeVangie, Chief, Water Management Act, BWR/Boston  
Brian Dudley, Chief, Wastewater Management, BWR  
Mark Dakers, Chief, Solid Waste, BAW  
Doug Coppi, Solid Waste, BAW  
Allen Hemberger, Site Management, BWSC

Ecc: Matt Poole, Health Agent, Edgartown Board of Health,  
[mpoole@edgartown-ma.us](mailto:mpoole@edgartown-ma.us)  
William Chapman, Superintendant, Edgartown Water Department,  
[wchapman@edgartown-ma.us](mailto:wchapman@edgartown-ma.us)

Matthew A. Beaton, Secretary EEA  
Attn: Anne Canaday, MEPA Office  
100 Cambridge Street  
Boston, MA 02114



RE: 15823 139 Meetinghouse Way

April 5, 2018

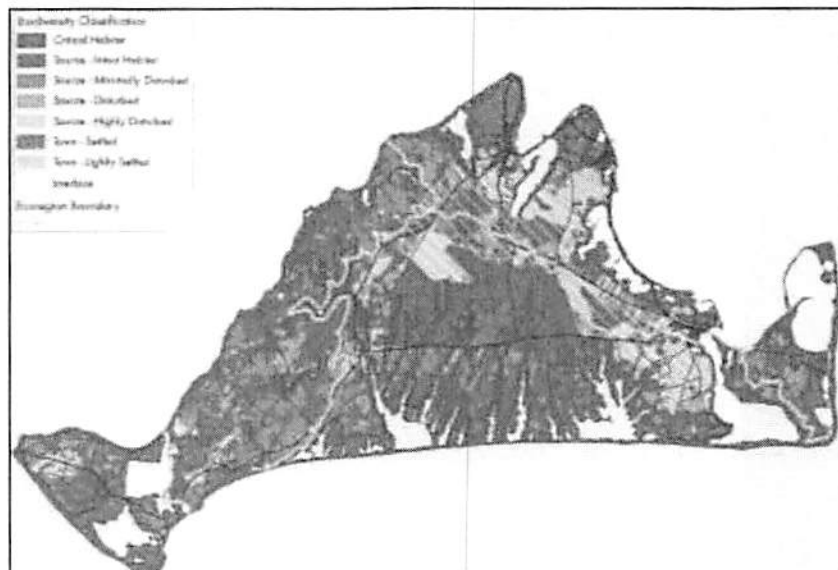
Dear Secretary Beaton,

Thank you for the opportunity to submit MVC staff comments on 15823 139 Meetinghouse Way, in the Town of Edgartown. The full Martha's Vineyard Commission should hear the project for approval as a DRI (Development of Regional Impact), with a much broader scope than under review here. At this time, staff comments only are presented, and are limited to the scope of impacts to the Imperial Moth.

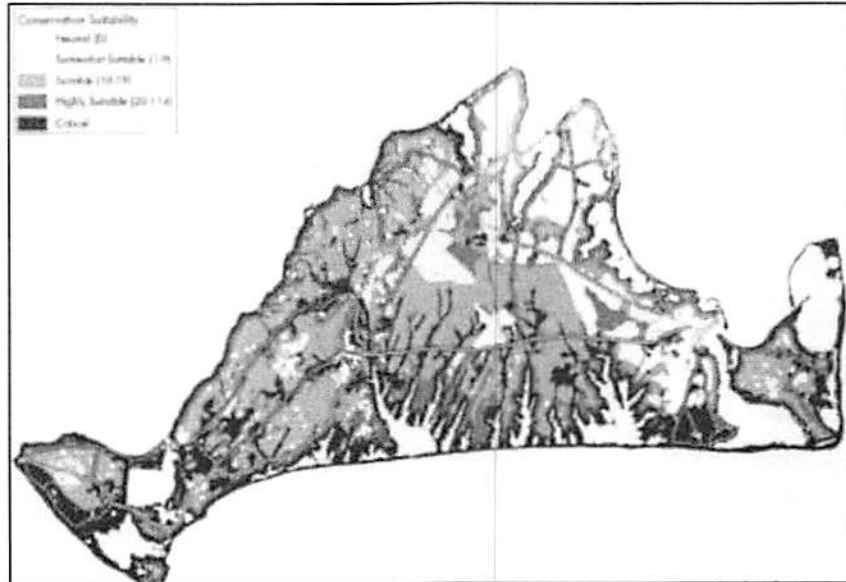
Regarding Consistency:

In the Land section, the RPA is correctly identified as the Martha's Vineyard Commission. The Regional Policy Plan is the Island Plan, 2009.

- The description of impacts is light in open space. Further attention should be focused on the following:
  - The property's biodiversity classification is *Source – Intact Habitat*. In the Island Plan, *This category includes conservation lands. It also includes other areas where the habitat is still intact, and where it is especially important to avoid destruction or fragmentation of habitat if possible. It is especially important that these areas are managed in their optimum native habitat as they constitute the main source of wildlife that populates the other areas (called "sink" areas).*



- The habitat portion of the property is mapped as *suitable* for Open Space.



Regarding habitat protection and enhancement:

- Ideally, all the building envelopes would be outside of the habitat.
- Deed restrictions are in place for part of the 13-acre proposed corridor. What is the proposal to permanently protect the 13 acres? If a CR is proposed, who would hold it and manage it?
- Further enhancements might include the following:
  - Thinning of pitch pines. They don't grow well crowded; become top-heavy and fall in storms.
  - The Imperial Moth flies at night. Management of lighting in the subdivision is important to keep from drawing the moths from the habitat to the more suburban parts.

Thank you again.

Sincerely,

*Jo Ann Taylor*

Jo-Ann Taylor, MEPA Review Coordinator  
cc: Edgartown Planning Board





MASSWILDLIFE

## DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581

p: (508) 389-6300 | f: (508) 389-7890

MASS.GOV/MASSWILDLIFE

Jack Buckley, Director

March 21, 2018

Matthew A. Beaton, Secretary  
Executive Office of Energy and Environmental Affairs  
Attention: MEPA Office  
Anne Canaday, EEA No. 15823  
100 Cambridge St.  
Boston, Massachusetts 02114

*Project Name:* Meeting House Way Residential Subdivision  
*Proponent:* Meeting House Way LLC, c/o McCarron, Murphy & Vukota  
*Location:* 139 Meeting House Way, Edgartown  
*Document Reviewed:* Environmental Notification Form  
*EEA No.:* 15823  
*NHESP No.:* 14-32956

Dear Secretary Beaton:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") has reviewed the *Environmental Notification Form* ("ENF") for the proposed "Meeting House Way Residential Subdivision" (the Project) and would like to offer the following comments regarding state-listed species and their habitats.

The MESA is administered by the Division and prohibits the Take of state-listed species, which is defined as "in reference to animals...harm...kill...disrupt the nesting, breeding, feeding or migratory activity...and in reference to plants...collect, pick, kill, transplant, cut or process...Disruption of nesting, breeding, feeding, or migratory activity may result from, but is not limited to, the modification, degradation, or destruction of Habitat" of state-listed species (321 CMR 10.02).

Portions of the Project site are mapped as *Priority Habitat* for the Imperial Moth (*Eacles imperialis*), a species state-listed as "Threatened" according to the *Massachusetts Natural Heritage Atlas* (14<sup>th</sup> Edition). This species and its habitats are protected pursuant to the Massachusetts Endangered Species Act (MGL c.131A) and its implementing regulations (MESA; 321 CMR 10.00). A Fact Sheet for this species can be found on our website, [www.mass.gov/nhesp](http://www.mass.gov/nhesp).

The Project, as currently proposed, includes the construction of a thirty-six (36) lot residential development project on a ±54.26-acre property as further described in the ENF, resulting in ±8.4 acres of disturbance to suitable state-listed species habitat. Based on a review of information submitted to the Division and the information currently contained in our database, the Division has determined (letter dated December 12, 2017) that the Project, as proposed, will result in a Take (321 CMR 10.18 (2)(b)) of **Imperial Moth** due to the permanent loss and/or fragmentation of suitable habitat and interference with the feeding, breeding, over-wintering and migratory activities of this species.

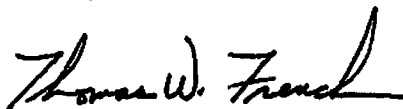
MASSWILDLIFE

Projects resulting in a Take of state-listed species may only be permitted if they meet the performance standards for a Conservation and Management Permit (CMP; 321 CMR 10.23). In order for a project to qualify for a CMP, the applicant must demonstrate that the project has avoided, minimized and mitigated impacts to state-listed species consistent with the following performance standards: (a) adequately assess alternatives to both temporary and permanent impacts to the state-listed species, (b) demonstrate that an insignificant portion of the local population will be impacted, and (c) develop and agree to carry out a conservation and management plan that provides a long-term net benefit to the conservation of the state-listed species.

Although the exact details of the long-term Net Benefit required under a CMP have not yet been finalized, the Proponent has worked cooperatively with the Division to address impacts to state-listed species. Based on information provided in the ENF, information previously submitted to the Division, and ongoing consultations with the Proponent, it is our understanding that the Proponent intends to meet the performance standards of a CMP by: (a) permanently protecting  $\pm 13.05$  acres of the property as open space and state-listed species habitat; (b) installing permanent monumentation and signage to delineate the boundaries of the open space; (c) implementing a Division-approved plan to enhance on-site habitat for state-listed species; and (d) providing funding for off-site habitat restoration, management, protection and or conservation research to benefit Imperial Moth and its habitats in Massachusetts. The Division anticipates that a suitable long-term Net Benefit can be achieved through on-site habitat protection and conservation funding for state-listed species, and that the Project should be able to meet the performance standards of a CMP.

The Division will not render a final decision until the MEPA review process and its associated public comment period is complete, and until all required CMP application materials have been submitted to the Division. As the MESA review process is ongoing, no alteration to the soil, surface, or vegetation associated with the proposed Project shall occur on the property until the Division has made a final decision relative to the CMP. If you have any questions about this letter, please contact Jesse Leddick, Chief of Regulatory Review, at [jesse.lednick@state.ma.us](mailto:jesse.lednick@state.ma.us) or 508-389-6386. We appreciate the opportunity to comment on the Project.

Sincerely,



Thomas W. French, Ph.D.  
Assistant Director

cc: Douglas Anderson, Meeting House Way, LLC  
Sean Hale, Normandeau Associates, Inc.  
Tory Fletcher, Normandeau Associates, Inc.  
Town of Edgartown Board of Selectmen  
Town of Edgartown Planning Board  
Town of Edgartown Conservation Commission

**MASSWILDLIFE**



THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS  
OFFICE OF COASTAL ZONE MANAGEMENT  
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## MEMORANDUM

TO: Matthew A. Beaton, Secretary, EEA  
ATTN: Anne Canaday, MEPA Unit  
FROM: Bruce Carlisle, Director, CZM  
DATE: March 15, 2018  
RE: EEA-15823 – Meeting House Way Residential Subdivision, Edgartown

The Massachusetts Office of Coastal Zone Management (CZM) has completed its review of the above-referenced Environmental Notification Form (ENF), noticed in the *Environmental Monitor* dated March 7, 2017, and does not recommend the development of an Environmental Impact Report (EIR).

### Project Description

The proposed project consists of a 36-home residential subdivision on a 54.26 acre undeveloped parcel of land zoned for residential use. A primary subdivision roadway will provide access from Meeting House Way and internal roadways and cul-de-sacs will provide access to the 36 residences. The project will tie into existing water and sewer mains, with effluent treated at the Edgartown treatment facility. The proposed development envelope is clustered on the northwestern portion of the site, with the goal of permanently preserving 13 acres for onsite moth habitat corridor. The proposed project will permanently impact approximately 2 acres of priority habitat for the state-listed Imperial Moth. The Massachusetts Natural Heritage and Endangered Species Program (NHESP) has determined that the proposed project will result in a take, and will require the development of a Conservation and Management Plan. The project is also subject to review by the Martha's Vineyard Commission (MVC) as a Development of Regional Impact (DRI). MVC review is expected to begin in early spring 2018.

### Project Comments

The proposed development will impact approximately two acres of habitat for the state-listed species, Imperial Moth (*Eacles imperialis*). The Project will result in a take of this species, and has coordinated with NHESP to minimize the project's impacts. This consultation process began in July, 2017 with the submission of a Concept Plan, and after ongoing consultations, has resulted with the proposed design. In addition to the proposed 13 acre moth habitat corridor, proposed mitigation measures include on-site restoration and enhancement of habitat and off-site mitigation in the form of funding for research and habitat protection. CZM encourages the continued efforts to minimize impacts to the species and its habitat, and to develop a mitigation plan as part of the required Conservation and Management Plan. CZM also encourages the incorporation of Low Impact Development (LID) design principles into the project where feasible.

### Federal Consistency

The proposed project may be subject to CZM federal consistency review. For further information on this process, please contact, Robert Boeri, Project Review Coordinator, at 617-626-1050 or visit the CZM web site at [www.state.ma.us/czm/fcr.htm](http://www.state.ma.us/czm/fcr.htm).

BKC/sm

cc: Stephen McKenna, CZM Cape Cod & Islands Regional Coordinator

