



MASSWILDLIFE

DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581
p: (508) 389-6300 | f: (508) 389-7890
MASS.GOV/MASSWILDLIFE

October 20, 2022

Adrienne Silbermann, Trustee
Welch & Forbes
45 School Street
Boston, MA 02108

Project Location: Pimpneymouse Lane, Edgartown
Project Description: Construct 2 Single-Family Homes; Maintain Existing Residential / Landscaped Areas; Continue Existing Agricultural Activities
NHESP Tracking No.: **22-40940**

Dear Applicant:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") received the MESA Project Review Checklist, project plans entitled "Figure 7. Retained acreage and Pitch Pine/ Oak Forest Communities" (dated 9/20/22) and other required materials for review pursuant to the Massachusetts Endangered Species Act (MESA) (MGL c.131A) and its implementing regulations (321 CMR 10.00).

The MESA is administered by the Division and prohibits the Take of state-listed species. The Take of state-listed species 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).

The Division has determined that portions of this project, as currently proposed, will occur **within** the actual habitat of Imperial Moth (*Eacles imperialis*), a state-listed Threatened species. This species and its habitats are protected in accordance with the rare species provisions of the MESA.

The project, as currently proposed and shown on the project plans, includes lot line revision to facilitate the following projects / activities on a ±215 acre property (the Property): (a) construction of two (2) new single-family homes and associated site work (Lots 1B and 1C); (b) continuation of existing uses, including maintenance / expansion of existing single-family homes and secondary structures as well as maintenance of existing lawn / landscaped areas (Lots 1A, 2A, 2B, 3, 4 and 5); and (c) continued use and maintenance of existing agricultural areas (Lots 1A, 2A, and 2B). Of these, only the proposed construction of a single-family home on Lot 1C will result in the loss of actual habitat of state-listed species; the Applicant proposes to restrict the extent of all proposed habitat loss on Lot 1C to ±4.9 acres or less. The Applicant also proposes to permanently protect ±165.6 acres of the Property as open-space and or agriculture through a transaction with qualified conservation entity.

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Construct Single-Family Home on Lot 1C:

Based on the information provided and the information contained in our database, the Division finds that this portion of the project, as currently proposed, **must be conditioned** in order to avoid a prohibited Take of state-listed species (321 CMR 10.18(2)(a)). To avoid a prohibited Take of state-listed species, the following conditions must be met:

1. **Prior to the start of work**, the Applicant shall send a final project plan to the Division for review and approval, including final limits of work and the design / location of permanent monumentation to be installed at the boundary of the proposed development area. Unless otherwise approved by the Division, the extent of habitat loss and or fragmentation associated with the proposed development area shall not exceed ± 4.9 acres.
2. **Prior to the start of work**, the Applicant shall record this determination letter, the above referenced project plans, and the final, Division-approved project plan for Lot 1C in the Dukes County Registry of Deeds so as to become a record part of the chain of title for any portions of the Property that will not be permanently protected. Prior to the start of work, the Applicant shall provide the Division with written proof of said recordation.
3. **Prior to the start of work**, the limits of work for the final development area shall be marked with temporary flagging, silt fencing, and or other similar visual marker sufficient to clearly delineate the area of Lot 1C within which all work will occur. Unless otherwise approved by the Division, no work may occur outside of the proposed development area shown on the final project plan.
4. **Prior to the completion of work**, the Applicant shall install permanent monumentation at the boundaries of the proposed development area as shown on the final, Division-approved project plan. Said monumentation shall be maintained in good condition and repaired or replaced, as necessary.
5. **Within one month of the completion of work**, or as otherwise approved by the Division, the Applicant shall submit written confirmation, including representative photographs, documenting compliance with all conditions herein.

Provided the above-noted conditions are fully implemented and there are no changes to the project plans, this portion of the project will not result in a Take of state-listed species.

Construction of Single-Family Home on Lot 1B:

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 portion of the project, as currently proposed, **will not result** in a prohibited Take of state-listed rare species.

Maintenance / Expansion of Existing Residences / Secondary Structures, Maintenance of Existing Lawn / Landscaped Areas (Lots 1A, 2A, 2B, 3, 4 and 5)

Based on a review of the information that was provided, the Division has determined that this portion of the project, as currently proposed, appears to be **exempt from a MESA review** pursuant to 321 CMR 10.14(4) and (5).

Continued Use / Maintenance of Existing Agricultural Areas (Lots 1A, 2A and 2B)

Based on a review of the information that was provided, the Division has determined that this portion of the project, as currently proposed, appears to be **exempt from a MESA review** pursuant to 321 CMR 10.14(1)(a).

We note that all work is subject to the anti-segmentation provisions (321 CMR 10.16) of the MESA. This determination is a final decision of the Division of Fisheries and Wildlife pursuant to 321 CMR 10.18. Any changes to the proposed project or any additional work beyond the limits of work shown on the project plans may require an additional filing with the Division pursuant to the MESA. This project may be subject to further review if no physical work is commenced within five years from the date of issuance of this determination, or if there is a change to the project.

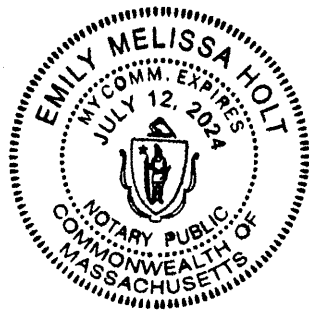
Please note that this determination addresses only the matter of state-listed species and their habitats. If you have any questions about this letter, please contact Jesse Leddick, Chief of Regulatory Review, at (508) 389-6386 or jesse.leddick@mass.gov.

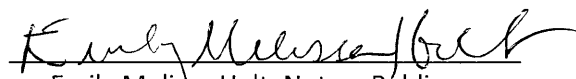
Sincerely,



Everose Schlüter, Ph.D., Assistant Director
Massachusetts Division of Fisheries & Wildlife

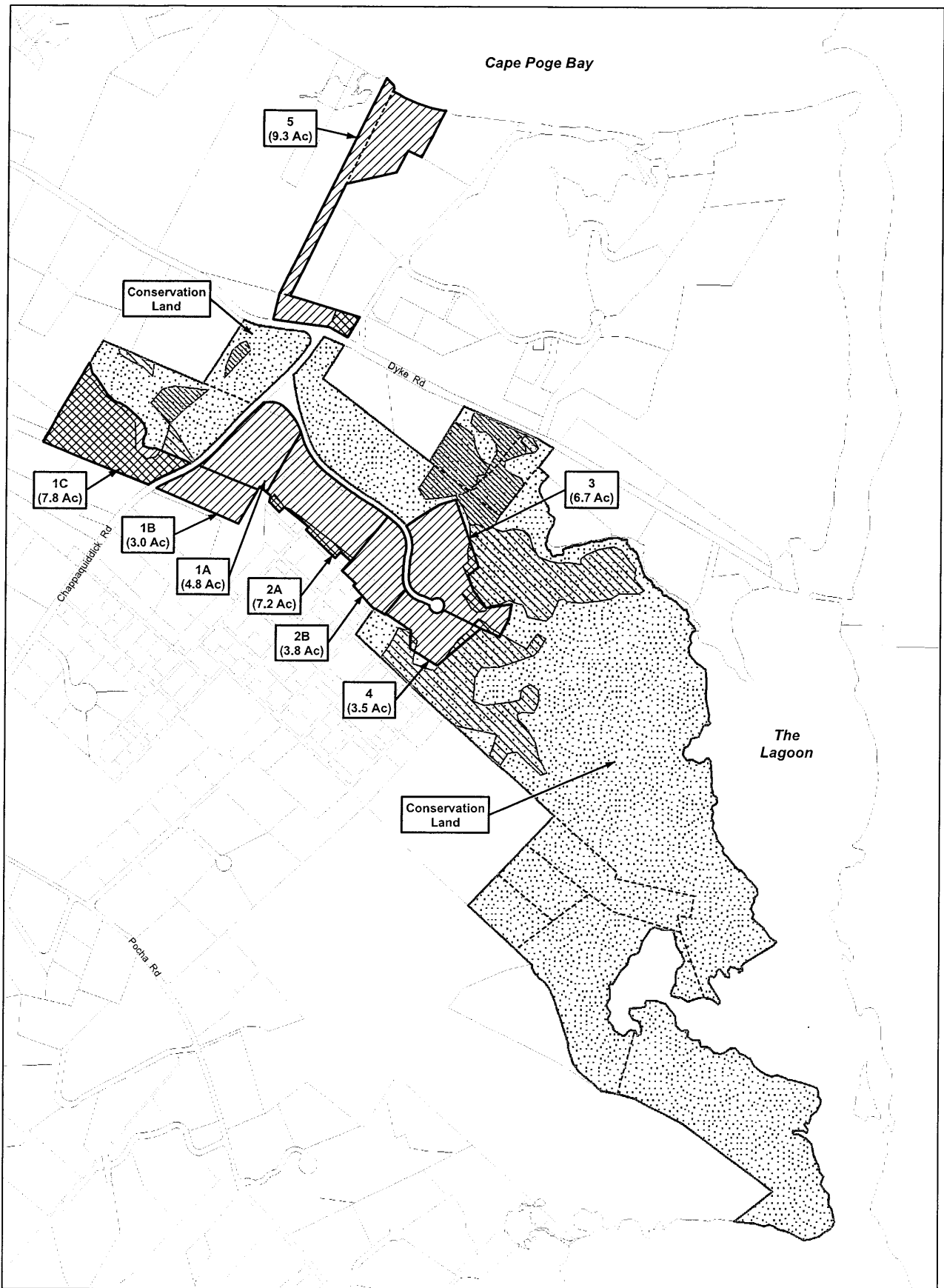
On this 20th day of October 2022, before me, the undersigned notary public, personally appeared Everose Schlüter, Assistant Director, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his/her knowledge and belief.




Emily Melissa Holt, Notary Public
My Commission Expires: July 12, 2024

cc: Victoria Fletcher, Ariadne, LLC

Encl: "Figure 7. Retained acreage and Pitch Pine/ Oak Forest Communities" (dated 9/20/22)








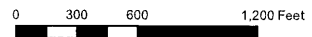
-  Retained Land
-  Conservation Land
-  Pitch Pine - Oak Forest/Woodland (Oak dominant)
-  Pitch Pine - Oak Forest/Woodland (Pine dominant)
-  Assessors Parcel Boundaries that will Remain Unchanged

Figure 7.
Pimpnymouse Farm
Retained Acreage
and Pitch Pine/Oak Forest Communities

Edgartown, MA



1 in = 600 ft

