



2023 00002454

Bk: 1655 Pg: 446 Doc: NOT
Page: 1 of 4 05/18/2023 09:33 AM

DIVISION OF FISHERIES & WILDLIFE

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

MASSWILDLIFE

April 23, 2020

Phillip J Norton III & Bradford A. Norton
C/O P.J. Norton III
3322 Indian Meadows Lane
Charlotte, NC 28210

Jane Varkonda
Town of Edgartown
P.O. Box 5130
Edgartown, MA 02539

DUKES COUNTY REGISTRY OF DEEDS
Book 1655 Page 446
Case File No. _____

A true copy
attest: Paulo C. DeAlvira Register
5/18/23

RE: Applicant: Jane Varkonda
Project Location: 110 West Tisbury Road, Edgartown (Map 20, Parcel 134.1, 32 acres;
Book 1301, Page 309, Dukes County Registry of Deeds; the "Property")
Project Description: Construction of outdoor recreation and indoor facilities for the Town of
Edgartown and Martha's Vineyard Boys and Girls Club Inc.
NHESP File No.: 18-38077

Dear Applicant and Property Owner:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") received the MESA Project Review Checklist, site plans titled "Site Plan in Edgartown, Mass.", developed by Vineyard Land Surveying and Engineering (dated April 8, 2020) (hereafter, the "Plan") 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 Project, as proposed, includes the construction of outdoor recreational facilities by the Town of Edgartown on approximately 2.00 acres ("Town of Edgartown Development Zone"). The Project also includes the construction of outdoor recreational and indoor facilities on approximately 2.38 acres ("Martha's Vineyard Boys' and Girls' Club Inc. Development Zone"). Collectively, the Project will result in 4.38 acres of disturbance (the "Work") on the Property. The Town of Edgartown and Martha's Vineyard Boys' and Girls' Club Inc. may propose future expansion of recreational facilities, an adjacent cemetery area and other infrastructure, although no concrete plans have been proposed to-date.

MASSWILDLIFE

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

Based on the information provided and the information contained in our database, the Division finds that this 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:

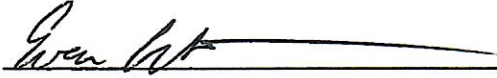
1. **Recordation:** *Prior to the start of Work*, the Applicant shall record this determination letter and the Plan in the Dukes County Registry of Deeds so as to become a record part of the chain of title for the Property. *Prior to the start of Work*, the Applicant shall provide the Division with written proof of said recordation.
2. **Symbolic Fencing:** *Prior to the start of Work*, symbolic fencing shall be erected along the parcel boundaries of areas shown on the plan as "Town of Edgartown Development Zone" and Martha's Vineyard Boys' and Girls' Club Inc. Development Zone" and maintained throughout the construction period. No work or activity shall occur outside of the Work area shown on the Plan.
3. **Monumentation:** *Prior to the start of Work*, the Applicant shall submit a monumentation plan for review and approval. *Prior to the start of Work*, the parcel boundaries of areas shown on the Plan as "Town of Edgartown Development Zone" and "Martha's Vineyard Boys' and Girls' Club Inc. Development Zone" shall be permanently monumented. Said permanent bounds and signage shall be maintained in good condition by the property owner(s) and repaired or replaced as necessary.
4. **Compliance:** *Prior to the start of Work*, a Massachusetts registered land surveyor shall confirm in writing to the Division that the boundaries of the parcels have been demarcated as shown on the Plan.

Provided the above-noted conditions are fully implemented and there are no changes to the Plan, this project will not result in a Take of state-listed species. 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 Project or any additional work beyond that shown on the Plan 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.

The Division notes that any future projects or activities proposed on the Property which are (a) located outside of the approved limit of Work shown on the Plan, (b) not exempt from review pursuant to 321 CMR 10.14, and (c) located within mapped Priority Habitat as indicated in the Massachusetts Natural Heritage Atlas, will require review by the Division pursuant to MESA. Furthermore, 321 CMR 10.16 provides that projects shall not be segmented or phased to evade or defer the review requirements under MESA. If the Division determines, based on the considerations provided for in 321 CMR 10.16, that a future project or activity proposed on the Property is part of a larger common project or scheme, it may evaluate the cumulative impacts of the existing and proposed segments of the common project when reviewing the future proposed project or activity pursuant to MESA.

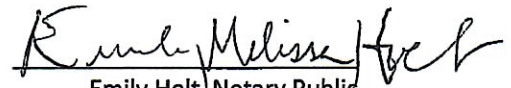
Please note that this determination addresses only the matter of state-listed species and their habitats. If you have any questions regarding this letter, please contact Rebekah Zimmerer, Endangered Species Review Biologist, at 508-389-6354 or rebekah.zimmerer@mass.gov.

Sincerely,



Everose Schlüter, Assistant Director
Massachusetts Division of Fisheries & Wildlife

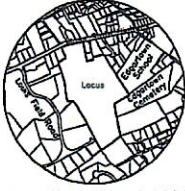
On this 23rd day of April, 2020, before me, the undersigned notary public, personally appeared Everose Schlüter, Assistant Director, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, 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 Holt, Notary Public
My Commission Expires: July 12, 2024

cc: Victoria Fletcher, Ariadne Environmental Consulting LLC.

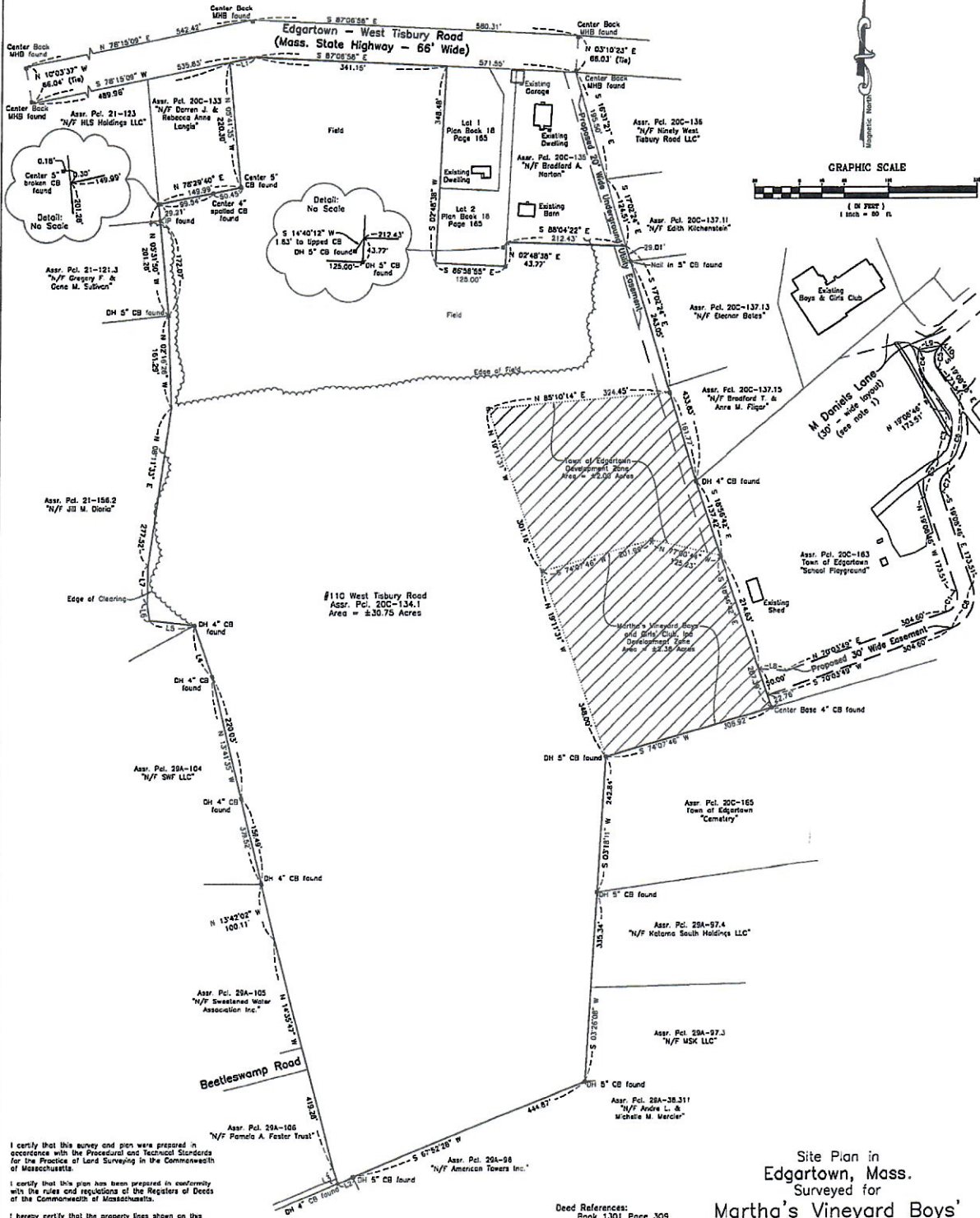
Att: "Site Plan in Edgartown, Mass.", developed by Vineyard Land Surveying and Engineering (dated April 8, 2020)



Location Map 1:1000

LINE	TABLE
L1	N 72°15'00" E 45.87'
L2	S 85°58'30" W 29.00'
L3	N 17°43'10" W 27.75'
L4	N 19°37'33" W 27.58'
L5	N 87°34'57" W 80.77'
L6	N 09°18'38" W 38.56'
L7	N 01°16'41" E 69.93'
L8	S 85°22'03" E 50.00'
L9	N 78°25'54" E 39.30'
L10	Rad. Bearing N 37°54'07" E

CURVE	TABLE
C1	89°14'35" 30.00' 46.71'
C2	73°02'55" 80.00' 76.50'
C3	81°18'15" 80.00' 83.80'
C4	69°38'18" 80.00' 89.35'
C5	64°40'25" 30.00' 44.41'
C6	61°18'55" 30.00' 43.33'
C7	73°02'55" 30.00' 33.25'
C8	89°14'35" 80.00' 53.43'



I certify that this survey and plan were prepared in accordance with the Procedural and Technical Standards for the Practice of Land Surveying in the Commonwealth of Massachusetts.

I certify that this plan has been prepared in conformity with the rules and regulations of the Registrars of Deeds of the Commonwealth of Massachusetts.

I hereby certify that the property lines shown on this plan are the lines dividing existing ownership, and the lines of the streets and ways shown are those of public or private streets or ways already established, and that no new lines for the division of existing ownership or for new ways are shown.

Date: _____

Professional Land Surveyor

- Legend:
- Denotes Concrete Bound to be Set
- Notes:
- M Daniels Lane See Edgartown Case File 161.
 - Parcel B is not a buildable lot by itself and is to be held in common ownership with an adjacent lot.
 - Parcel D is not a buildable lot by itself and is to be held in common ownership with an adjacent lot.

- Deed References:
- Book 1301 Page 309
- Plan References:
- Edgartown Case File 3
 - Edgartown Case File 24
 - Edgartown Case File 90
 - Edgartown Case File 161
 - Edgartown Case File 353
 - Edgartown Case File 565
 - Edgartown Case File 717
 - Plan Book 18 Page 70
 - Plan Book 18 Page 165
 - Lend Court Plan 41172-C

Site Plan in
Edgartown, Mass.
Surveyed for
**Martha's Vineyard Boys
and Girls' Club, Inc**
Scale 1" = 80' April 8, 2020



12 Courtyard Road
P.O. Box 491
West Tisbury, MA 02575
P: 508-623-3774 F: 508-699-0440
VLE.net

ATTEST: Paulo C. DeOliveira, Registrar
Dukes County Registry of Deeds