MESA Project Review Checklist



Family Property Lot Line Revisions and Land Conservation Plan

Edgartown, MA NHESP Tracking No. 22-40940

October 3, 2022



October 3, 2022

Jesse Leddick, Chief of Regulatory Review
DFW / Natural Heritage & Endangered Species Program
1 Rabbit Hill Road
Westborough, MA 01581

RE:

MESA Project Review Checklist Application,

Family Property Lot Line Revisions and Land Conservation Plan, Edgartown, Massachusetts

NHESP Tracking No. 22-40940

Dear Mr. Leddick:

On behalf of a trust representing eight grandchildren of Charles A. Welch (collectively, the "Applicant"), we are pleased to submit this Project Review Checklist application ("Checklist" or "application") to the Massachusetts Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program ("NHESP") pursuant to the Massachusetts Endangered Species Act ("MESA") and its implementing regulations for review of activities within areas of mapped Priority Habitats of Rare Species under MESA. Activities described in this application include the continuation of current land uses, proposed revisions to lot lines as presently recognized, limited future potential land use changes, and transfer of the majority of the property into conservation ("the Project").

The core parcel associated with the overall approximately 215 +/- acre subject property known as Pimpneymouse Farm ("PMF") has been in the Applicant's family since 1928 and has been actively utilized by various family members since that time for recreational, agricultural, and residential uses. As of the 15th edition of the Natural Heritage Atlas, approximately 60 percent of the overall property (including the core parcel and subsequently acquired adjoining parcels) is mapped as supporting Priority Habitats of Rare Species. The family is now seeking to revise lot lines to enable three family members to retain portions of the property for their continued personal use substantially as it occurs today and consistent with historical usage or involving limited future residential development, while the ownership of remainder of the land will be transferred to a land conservation entity to be permanently protected as open space. The revision of lot lines will be subject to review as a Development of Regional Impact by the Martha's Vineyard Commission ("MVC"). Please note that certain figures presenting proposed lot lines in this application reflect a best estimation of newly defined parcels based on GIS approximations. Subdivision plans will be developed to land survey accuracy standards in conjunction with completion of the pending MVC review process.

As further described in this application, the Applicant is seeking to acknowledge uses that are ongoing and have historically occurred within presently mapped habitat as well as acknowledging potential limited future development and land management activities. Based on the extent of agriculturally and residentially managed land that does not support rare species habitat, coupled with the Applicant's desire to largely conserve PMF in the manner that respects prior and current generations' vision for the property, it is anticipated that less than five acres of alteration of actual rare species habitat will occur as a result of future limited development and land management activities.

Please find enclosed the Checklist form and accompanying documentation to complete MESA review of the PMF lot line revisions and land conservation plan, including a \$300.00 application fee. If you have any questions regarding this application, please contact me via email tfletcher@ariadne.llc or by telephone at (603) 801-4538.

Sincerely.

Victoria (Tory) Fletcher

Ariadne Environmental Consulting LLC

Cc:

Stephen Potter Samuel A. Slater



FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581 p: (508) 389-6300 | f: (508) 389-7890

MASS.GOV/MASSWILDLIFE

MESA Project Review Checklist

Massachusetts Endangered Species Act M.G.L. c.131A and Regulations (321 CMR 10.00)

1) Project Location:					
Pimpneymouse Lane	Edga	ırtown	02539		
Street Address/Location	City/Town		Zip Code		
several - see suppleme	ental narrative	see supplementa	al narrative		
Assessors Map/Plat Number		Parcel /Lot Number			
Property recorded at the Regis	stry of Deeds for:				
Dukes					
County		Certificate # (if registere	d land)		
see supplemental narr	ative				
Book		Page Number			
2) Applicant:					
Adrienne	Silbe	rmann, Trustee	Welch & Forbes		
First Name	Last Na	me	Company		
45 School Street					
Mailing Address					
Boston	MA		02108		
City/Town	State		Zip Code		
617-523-1635			asilbermann@welchforbes		
Phone Number Fax Number			Email address		
3) Property owner (if diffe	erent from applica	nt):			
-, -, -, -, -, -, -, -, -, -, -, -, -, -		-7			
First Name	Last Na	me	Company		
Mailing Address					
City/Town	State		Zip Code		
Phone Number	Fax Number		Email address		
4) Representative (if any)	:				
Company					
Victoria (Tory)	Fletcher				
Contact Person First Name	Contact Person L	ast Name			
P.O. Box 3021					
Mailing Address					
Peterborough	NH		02538		
City/Town	State		Zip Code		
603-801-4538			tfletcher@ariadne.llc		
Phone Number	Fax Number		Email address		

Additional Information
1. Will this project require a filing with the Conservation Commission and/or DEP? ✓ No Yes
2 . Has this project previously been issued a NHESP Tracking Number (either by previous NOI Submittal
or MESA Information Request Form)? Yes, if Yes -Tracking No. 22-40940
Project Description (attach separate sheet, as needed)
Please note, certain projects or activities are exempt from review, see 321 CMR 10.14. The MESA does not allow
project segmentation. Your filing must reflect <u>all</u> anticipated work associated with the proposed project (CMR 321 10.16).
Revisions to lot lines to facilitate equitable subdivision of overall property among
benficiaries of the estate of Charles A. Welch, while transferring the majority of the
property into conservation. Checklist application also seeks to affirm grandfathered
uses within areas of mapped habitat. See further description in supplemental narrative.
Include the Following Information:
ALL Applicants must submit:
 †USGS map (1:24,000 or 1:25,000) with property boundary clearly outlined
• Project plans for entire site (including wetland Resource Areas, showing existing and proposed
conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits o work)
• Statement/proof that applicant is the Record Owner or that applicant is a person authorized in
writing by the record owner to submit this filing
Photographs representative of the site
Projects altering 10 or more acres, must also submit:
 †A vegetation cover type map of the site †Project plans showing Priority Habitat boundaries
Troject plans showing i norty habitat boundaries
The NHESP may request additional information, such as, but not limited to, species and habitat surveys, wetland reports, soil map and reports, and stormwater management reports (321 CMR 10.16). The NHESP will notify the applicant within 30 days if the materials submitted do not satisfy requirements fo a filing and request submission of any missing materials (321 CMR 10.18(1)).
Filing Fee, Payable to Comm. of MA - NHESP (see website for fee information)
a. Total MESA Fee Paid $\$300.00$ b. Acreage of Disturbance <5 acres c. Total Site Acreage \sim 215
Required Signatures
I hereby certify under the penalties of perjury that the foregoing MESA filing and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.
Adrienne Silbermann 9/28/2022
Signature of Property Owner/Record Owner of Property Date

Date

Signature of Applicant (if different from Owner)

Copy of Check for Application Fee

ARIADNE ENVIRONMENTAL CONSULTING LLC PO BOX 3021	242
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Family Property Lot line Revisions and Land Conservation Plan, Edgartown, MA NHESP Tracking No. 22-40940

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*note: Figures 5-7 reflect a best estimation of proposed lot lines based on GIS approximations. Subdivision plans will be developed to land survey accuracy standards in conjunction with completion of the pending Martha's Vineyard Commission Review process for the overall project.

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Appendix D Vegetative Community Mapping (including existing conditions photos)

Supplemental Narrative

1.0 INTRODUCTION

Eight grandchildren of Charles A. Welch, represented by the trustees designated to manage their real estate holdings on Chappaquiddick Island in Edgartown, Massachusetts (collectively, the "Applicant") are seeking to equitably partition their interests in a family property they have shared for generations.

The subject property is known as Pimpneymouse Farm ("PMF") and involves approximately 215+/- acres of land located roughly in the central portion of Chappaquiddick (see Figure 1 – USGS Locus Map). The majority of the property was originally purchased in 1928 by Mr. Welch as a hunting retreat. Acquisition of additional land by Mr. Welch and his descendants has occurred at various times over the past century. The property has been in continuous use by various members of Mr. Welch's extended family since his passing. PMF was the home of Edith (Edo) Welch Potter, who lived in the main farmhouse (renovated and expanded for year-round use) on the property full time from 1970 until her death in 2018, while her sisters and their families utilized other residences on the property for seasonal use. Mrs. Potter was a highly respected and active conservationist and member of the community, having written the first set of zoning regulations for Chappaquiddick, being instrumental in the establishment of the Martha's Vineyard Commission, and serving on multiple municipal boards and committees as well non-profit organizations committees, including the Martha's Vineyard Land Bank Commission (MVLBC). Her sisters shared her and their father's conservationist vision, and the manner in which the equitable partitioning of PMF is being proposed is a continuation of the family's strong ethic toward land preservation, as well as evidence of certain family members' seeking to continue the tradition of private use and enjoyment of the landscape that embodies lifelong memories of family gatherings in an agrarian or otherwise natural setting.

As discussed further in this submittal, approximately 165.6+/- acres of land will be transferred in fee to the MVLBC or other entity whose mission involves permanent protection and maintenance of undeveloped open space. The remaining land will be divided among three family members who plan to continue to utilize existing structures on the property and manage their individual lots (to be defined through a pending subdivision review process subject to the Martha's Vineyard Commission jurisdiction as a Development of Regional Impact) in a manner that is largely consistent with its historical uses. In part due to the family's stewardship of the property, portions of the land provide important habitat for several rare species as well as more common but nonetheless important wildlife and vegetative communities.

This MESA Project Review Checklist ("Checklist" or "application") is being submitted to the Massachusetts Department of Fisheries and Wildlife ("Division"), Natural Heritage and Endangered Species Program ("NHESP") to confirm general limits of ongoing 'exempt' activities within limits of mapped rare species habitat and to disclose potential future impacts to rare species habitat in compliance with the Massachusetts Endangered Species Act ("MESA") (MGL c.131A) and its implementing regulations (321 CMR 10.00). All figures referenced in this narrative are provided in Appendix A of this document.

2.0 OVERVIEW OF EXISTING CONDITIONS

2.1 Current Assessors Parcels and Zoning

The property subject to this MESA application currently consists of 16 assessor's parcels¹ ranging in size from less than one-quarter of an acre to over 120 acres, as summarized in Table 1 below. The boundaries of these sixteen parcels are reflected in a map in Appendix B – Land Ownership Documentation as well as in several figures in this document. The entire island of Chappaquiddick is zoned as R-120, which restricts development to single-family residential uses and requires a minimum lot size of three acres.

Table 1
Pimpneymouse Farm Existing (2022) Assessors Parcels and Current Development/Use

	Assessor's	Description of Location	Approximate
	Identification		Acreage
1	31-27-2	9 Willet Lane	4.40
2	31-27-3	12 Willet Lane	2.67
3	31-34-3	36 Dike Bridge Road	4.37
4	31-34-4	40 Dike Bridge Road	2.98
5	33-6	16 Pimpneymouse Farm Lane. The majority of the	121.56
		parcel is located to east of Chappaquiddick Road.	
		Includes a 5.20-acre parcel to west of Chappaquiddick	
		Road and a 1.86-acre parcel to the north of Dike Road.	
6	33-7-11	Pocha Road	13.28
7	33-7-2	Pocha Road	6.61
8	33-8	Pocha Road	3.32
9	33-9	Pocha Road	3.17
10	33-11	Pocha Road	0.85
11	34-64	279 Chappaquiddick Road. Bisected by public road: a	24.31
		7.13-acre parcel is located to the east of the road and	
		the remaining 17.18 acres are location to the west of	
		the road.	
12	34-65-1	Chappaquiddick Road	0.68
13	34-65-2	5 Pimpneymouse Lane	3.25
14	34-87-1	Grove Avenue	0.24
15	34-88-1	15 Pimpneymouse Lane	0.89
16	48-44	Chappaquiddick Road	23.26

Family Property Lot Line Revisions and Land Conservation Plan, Edgartown, MA NHESP Tracking No. 22-40940

¹ The grandchildren also inherited three off-site parcels considerably removed from the subject property. These parcels are very small in size, ranging from 0.08 acres to 0.17 acres according to assessor's data. None of these parcels are buildable lots.

2.2 Legal Ownership

Collectively, the sixteen subject parcels that make up Pimpneymouse Farm today were assembled first by Mr. and Mrs. Welch and subsequently enlarged and maintained by their three daughters. With the passing of Edo Potter, the last member of her generation, the property is now being distributed in equal undivided interest to Mr. and Mrs. Welch's eight grandchildren, some of whom currently utilize portions the property as a secondary home for personal use and family gatherings.

A landlocked parcel consisting of 13.28 acres (33-7-11) is co-owned with a party outside of the family associated with Charles Welch. As discussed later in this application, no physical changes to that parcel are proposed. The outside party only has a 16 percent interest in ownership of the parcel.

Appendix B provides the Edgartown Board of Assessors list of parcels owned by the trustees representing the eight grandchildren of Charles Welch, a graphic calling out the location of the sixteen parcels addressed in this application, and the first sheet associated with the tax card for all the parcels under control of the trustees.

2.3 Roadway and Utility Infrastructure

Vehicular access to the property is via Dike Bridge Road and Chappaquiddick Road, both of which are public, as well as Pimpneymouse Lane and Willet Lane, both of which are privately-owned. Existing residential and agricultural structures on the property are served by on-site water supply and septic systems. Telecommunications services are located within or adjacent to existing roads. There are no rights of way associated with the property beyond those associated with utility infrastructure that serves existing residences.

2.4 Existing Structures and Uses

The property supports a number of residential, agricultural, and recreational structures. These include five occupiable single-family homes, barns, and other secondary structures (tennis court, greenhouse, rustic cabins and storage sheds) the majority of which are located in the central portion of the overall property and are primarily in the vicinity of regularly maintained fields. A boathouse along the shorefront of Cape Pogue Bay is the most remote structure associated with the property and has no well, septic facilities or other utility services.

The core portion of the property was actively managed farmland for several decades. Areas that formerly supported active crops and pasturage for livestock and horses are still extant as managed hayfields and are scattered throughout the property. These grassland communities have been managed through regular mowing for decades, long prior to the enactment of MESA, and will continue to be maintained as hayfields or other similar agricultural use (e.g., as cropland, pasturage for horses or livestock, or paddocks for horseback riding) as exempt activities under the MESA regulations. Of note, an historical account of Pimpneymouse Farm, *The Last Farm on Chappaquiddick* (the memoir of Edith ('Edo') Potter) includes both narrative and photos documenting that the property – and the whole of Chappaquiddick Island – had historically been open grasslands. Areas proximate to existing residential structures include a combination of lawns and landscaped areas, the most notable of which is an arboretum and greenhouse in the vicinity of the home that had been occupied for decades on a year-round basis by Edo Potter, whose husband and daughter introduced dozens of ornamental trees and shrubs to the property.

2.5 Vegetative Cover Types

The overall property supports a variety of vegetative communities, including coastal and freshwater wetlands and both naturally occurring and managed upland communities, such as hayfields, residential yards, and woodlands. As discussed later in this application, few changes to vegetative cover conditions are anticipated to occur in that most of the property will be transferred to a conservation organization.

To identify the limits of existing exempt activities that occur and are expected to continue to occur on the property as well as to estimate potential future impacts to actual rare species habitat associated with future development activities, vegetative community mapping of the overall 215-acre property was conducted by Basswood Environmental, LLC in June of 2022. A complete summary of the mapping effort is provided as Appendix D and includes a series of photos of existing conditions that reflect the types of vegetative communities that were observed, which are tied to a set of plans indicating the location of each photo point and the direction in which each photo was taken.

A total of eleven vegetative community types (including open water) were identified in a manner that is consistent with natural community definitions used in the Classification of Natural Communities of Massachusetts, Version 2.0², issued by NHESP, with a single exception of a community characterized as "anthropogenic" which was assigned to areas that are managed as lawn or other auxiliary residential use, such as gardens and the arboretum, which predominantly supports non-native, ornamental trees and shrubs. In addition, a distinction was made to areas meeting the NHESP description of Pitch Pine -Oak Forest Woodlands as either being oak dominated, or pitch-pine dominated. The results of the vegetative community mapping effort were discussed in a zoom meeting on July 27, during which it was agreed that the mapping appeared to accurately reflect vegetative community types consistent with NHESP guidance as well as appropriately distinguishing those areas identified as anthropogenic communities.

These vegetative communities are shown on Figure 3, as well as in greater detail in Appendix D. Figure 3 also indicates the extent of areas presumed to be subject to protection under the Massachusetts Wetlands Protection Act ("WPA") as mapped by MassDEP, whose mapping typically does not capture the full extent of jurisdictional wetland resource areas. The vegetative community mapping effort did not involve a formal delineation of wetlands regulated under the WPA.

2.6 Mapped Rare Species Habitat

Roughly 60 percent of the overall property is mapped as supporting Priority Habitats of Rare Species, some of which is also mapped as Estimated Habitats of Rare Wildlife, as shown on Figure 2. Priority Habitat mapping is also shown in greater detail on the map set contained in Appendix D.

 $^{^2}$ Swain, P.C. 2016. Classification of the Natural Communities of Massachusetts. Version 2.0. Natural Heritage & Endangered Species Program, Massachusetts Division of Fisheries and Wildlife. Westborough, MA.

There have been two MESA Information Requests filed in association with the property. In December of 2021, an initial request was submitted on behalf of one of the beneficiaries of the undivided interests in the property, and focused solely on a current assessor's parcel consisting of approximately 21 acres with a street address of 279 Chappaquiddick Road (Map 34, Parcel 64), a portion of which will be transferred to individual ownership by one of the beneficiaries of the trust as three separate lots, while the remainder of that parcel will be permanently protected. That Information Request was assigned NHESP Tracking number 21-40666 and documented prior observation of suitable habitat for two moth species on the subject parcel.

As planning related to the equitable partition of interests in the property advanced, the PMF beneficiaries came to understand that the proposed lot line revisions and land conservation plan had to be reviewed under MESA as a single "project", a second MESA Information Request was submitted in March 2022, acknowledging all sixteen parcels presently under single, undivided ownership that together comprise the property subject to this MESA application. The response to that information request documented prior observation of twelve species associated with the overall property, including seven moth species, four birds, and one plant.

Table 2 summarizes the list of rare species documented to occur in the vicinity of the property, the parcel(s) on which suitable habitat is presumed to occur, and the natural community types with which they are associated. Figure 3 provides a graphic representation of which species are specifically associated with existing assessor's parcel according to the response to the Division's response to the March 2022 Information Request. Of note, it is recognized that any of the twelve species have potential to occur on any of the sixteen parcels on which suitable habitat exists. That said, most of the species documented to occur in the vicinity are dependent on wetlands habitats, as noted in Table 2.

Table 2
Rare Species Documented to Occur in the Vicinity of the Property

Seven moth species
Four bird species (two federally listed)
One plant species

Assessor's Parcel ID (2022)	Scientific name	Common name	Taxonomic Group	State / *Federal Status	Lot characteristics / Primary Habitat	Wetland Habitat- Dependent
9 Willet Lane (31_27_2)					~4.4 ac lot adjacent to Cape Poge; predominantly wet	
	Photedes inops	Spartina Borer Moth	Butterflies and Moths	SC	Coastal and brackish wetlands. Host plant is with salt marsh cord grass.	Yes
	Sterna dougallii	Roseate Tern	Bird	E/*E	Coastal beach (partially vegetated)	Yes
	Sterna hirundo	Common Tern	Bird	SC	Coastal beach (partially vegetated	Yes
	Charadrius melodus	Piping Plover	Bird	Т/*Т	Coastal beach (sandy/ gravely)	Yes

Assessor's Parcel ID (2022)	Scientific name	Common name	Taxonomic Group	State / *Federal Status	Lot characteristics / Primary Habitat	Wetland Habitat- Dependent
12 Willet Lane (31_27_3)					~2.67 ac legal access to Cape Poge/ boathouse	
	Papaipema sulphurata	Water- Willow Borer Moth	Butterflies and Moths	Т	Inland wetlands. Host plant is water willow, found in along fringes of ponds and open swamps.	Yes
	Photedes inops	Spartina Borer Moth	Butterflies and Moths	SC	Coastal and brackish wetlands.	Yes
36 Dike Bridge Road (31_34_3)					~4.37 ac wetlands and wooded (pitch pine)	
	Eacles imperialis	Imperial Moth	Butterflies and Moths	Т	Pitch pine woodlands.	No
	Papaipema sulphurata	Water- Willow Borer Moth	Butterflies and Moths		Inland wetlands. Host plant is water willow, found in along fringes of ponds and open swamps.	Yes
40 Dike Bridge Road (31_34_4)					~2.98 ac wetlands and wooded (pitch pine)	
	Eacles imperialis	Imperial Moth	Butterflies and Moths	Т	Pitch pine woodlands.	No
	Papaipema sulphurata	Water- Willow Borer Moth	Butterflies and Moths	Т	Inland wetlands.	Yes
	Photedes inops	Spartina Borer Moth	Butterflies and Moths	SC	Coastal wetlands.	Yes
Pocha Road (33_11)					~0.85 ac parcel; entirely wetlands	
	Sterna dougallii	Roseate Tern	Bird	E/*E	Coastal beach (partially vegetated)	Yes
	Sterna hirundo	Common Tern	Bird	SC	Coastal beach (partially vegetated	Yes
	Sternula antillarum	Least Tern	Bird	SC	Coastal beach (sandy/ gravely)	Yes
16 Pimpneymouse Lane (33_6)					~121.56 ac parcel; varied vegetative communities	
	Eacles imperialis	Imperial Moth	Butterflies and Moths	Т	Pitch pine woodlands.	No
	Papaipema sulphurata	Water- Willow Borer Moth	Butterflies and Moths	Т	Inland wetlands.	Yes
	Photedes inops	Spartina Borer Moth	Butterflies and Moths	SC	Coastal wetlands.	Yes
	Sterna dougallii	Roseate Tern	Bird	E / *E	Coastal beach	Yes
	Sterna hirundo	Common Tern	Bird	SC	Coastal beach	Yes
	Sternula antillarum	Least Tern	Bird	SC	Coastal beach	Yes

Assessor's Parcel ID (2022)	Scientific name	Common name	Taxonomic Group	State / *Federal Status	Lot characteristics / Primary Habitat	Wetland Habitat- Dependent
	Abagrotis benjamini	Coastal Heathland Cutworm	Butterflies and Moths	SC	Open xeric coastal habitat; pine/scrub oak barrens	No
	Cicinnus melsheimeri	Melsheimer's Sack Bearer	Butterflies and Moths	Т	Sandplain pitch-pine scrub oak barrens	No
	Setaria parviflora	Bristly Foxtail	Plant	SC	Salt marsh / salt pond margins	Yes
	Sympistis riparia	Dune Sympistis	Butterflies and Moths	SC	Dunes/ coastal sandplain grasslands	Typically yes
	Cycnia collaris	Collared Cycnia	Butterflies and Moths	Т	Sandplain grasslands/heathland	No
Pocha Road (33_7_11)					~13.28 ac parcel; uplands and wetlands	
	Sterna dougallii	Roseate Tern	Bird	E	Coastal beach (vegetated)	Yes
	Sterna hirundo	Common Tern	Bird	SC	Coastal beach (vegetated)	Yes
	Sternula antillarum	Least Tern	Bird	SC	Coastal beach (unvegetated)	Yes
Pocha Road (33_7_2)					~6.6 ac parcel; uplands and wetlands	
	Eacles imperialis	Imperial Moth	Butterflies and Moths	Т	Coastal beach (vegetated)	Yes
	Sterna dougallii	Roseate Tern	Bird	E / *E	Coastal beach (vegetated)	Yes
	Sterna hirundo	Common Tern	Bird	SC	Coastal beach (vegetated)	Yes
	Sternula antillarum	Least Tern	Bird	SC	Coastal beach (unvegetated)	Yes
279 Chappaquiddick Road (34_64)					~24.31 ac parcel; various vegetation communities	
	Eacles imperialis	Imperial Moth	Butterflies and Moths	Т	Pitch pine woodlands	No
	Papaipema sulphurata	Water- Willow Borer Moth	Butterflies and Moths			Yes
Chappaquiddick Road (48_44)					~23.26 ac parcel; predominantly wetland	
	Sterna dougallii	Roseate Tern	Bird	E / *E	Coastal beach (vegetated)	Yes
	Sterna hirundo	Common Tern	Bird	SC	Coastal beach (vegetated)	Yes
	Sternula antillarum	Least Tern	Bird	SC	Coastal beach (unvegetated)	Yes

3.0 ONGOING AND PROPOSED ACTIVITIES

Several ongoing and proposed uses are addressed in this Checklist application:

- 1) Continuation of existing residential uses, ancillary activities such as vegetable and ornamental gardening and arboriculture, animal pasturage, horseback riding, tennis, maintenance of utilities and overall property management consistent with historical use;
- Continued maintenance of private vehicular and horseback access along existing gravel roads and mown trails within areas retained by family members, including maintenance of such private roads;
- 3) Continuation of shared use of an existing boathouse and shorefront along Cape Poge Bay, including periodic mowing of anthropogenic meadows used for horseback riding, picnicking and nature observation in the vicinity of the boathouse parcels and access thereto;
- 4) Continuation of periodic mowing of hayfields retained by the family or other uses such as livestock grazing and horse pasturage;
- 5) Proposed lot line revisions to create seven newly defined lots (Lot 1A, 1B, 1C, 2A, 2B, 3 and 4), while the amalgam of two existing lots supporting the boathouse and access thereto along with a small portion of the Primary Lot on the north side of Chappaquiddick Road are referred to herein as "Lot 5" for planning purposes, although they will remain individual assessor's parcels. (Insofar as there are no new activities proposed and the lots will be jointly owned by the individuals who will own Lots 1-4, there is no need to formally combine the three existing lots into one.); and
- 6) Permanent protection of approximately 165.6+/- acres of the overall PMF property.

The location of proposed Lots 1-5 (i.e., adjustments to existing lot lines) are shown on Figure 4 and activities anticipated to continue or newly-occur on each of the proposed revised lots are summarized in Table 3 below.

In all, of the sixteen assessor's parcels, two will be subdivided (2022 assessors parcels 33-6 and 34-64), and the land that will be transferred to individual ownership by beneficiaries will be incorporated into a total of seven lots (consistent with traditional usage by the family), exclusive of three parcels associated with the boathouse and frontage on Cape Poge Bay and access thereto, which will remain unchanged. Only those parcels subject to subdivision (i.e., "lot line adjustments") to facilitate the creation of the new lots) will be re-defined; 2002 assessor's parcels proposed to be transferred as they presently exist to a conservation entity will remain as they are currently defined.

Of note, the family members who will retain the seven proposed, newly defined lots have agreed to covenant those lots to prevent any future subdivision by establishing deed restriction on those lots greater than 6 acres (i.e., that have the potential to support two buildable lots per local zoning, which requires a minimum lots size of three acres). Three of the proposed lots (Lot 1C, Lot 2A, and Lot 3) are greater than six acres. Two of these (Lot 2A and Lot 3) already support a residence.

Table 3
Proposed Future Lots and Ongoing or Anticipated Future Activities

Lot ID and approximate acreage*	Existing Uses	Anticipated Activities	Comments
Conserved Land 165.66 acres	Open space and agriculture	Permanent protection as undeveloped open space or agriculture	Amalgam of 102.25 acre portion of 121.5-acre lot (33-6) and all or portions of several other 2022 assessor's parcels
Pimpneymouse Lane Right-of-Way 4.2 acres	Vehicular and utility access	No change – continuation of activities consistent with historical use	
Lot 1A 4.8 acres	Residential and agricultural	Continuation of current uses, including potential for redevelopment or expansion of residential structures (limited to singlefamily use).	Portion of current 24.31-acre lot (34-64). Including a portion of adjacent 121.5-acre parcel (33-6). Existing vegetative cover includes cultural grassland and anthropogenic communities. Does not support suitable habitat for rare species known to occur in vicinity. Existing vegetative cover includes cultural grassland and anthropogenic communities.
Lot 1B 3.0 acres	Agricultural (hayfield)	Potential development of residential structures	Portion of current 24.31-acre lot (34-64). Does not support suitable habitat for rare species known to occur in vicinity. Lot to be deed-restricted to prevent any future subdivision.
Lot 1C 7.8 acres**	Undeveloped forestland	Potential development of residential structures	Portion of current 24.31-acre lot (34-64). Majority of proposed lot provides suitable habitat for Imperial Moth. Lot to be deed-restricted to prevent any future subdivision, and to limit future development activities to less than five acres of alteration. New home, if developed, would utilize an existing driveway access to Chappaquiddick Road to the extent practicable.
Lot 2A 7.2 acres**	Residential and agricultural	Continuation of current uses, including existing main residence, outbuildings, and hayfield/fenced pasturage. Potential for modifications), such as minor expansions, rehabilitation, or replacement of structures (limited to single-family use.)	Amalgam of three existing assessor's parcels and a portion of 121.5-acre parcel (33-6). Does not overlap mapped habitat. Lot to be deed-restricted to prevent any future subdivision.

Lot ID and approximate acreage*	Existing Uses	Anticipated Activities	Comments
Lot 2B 3.8 acres	Residential and agricultural	Continuation of current uses, including existing main residence, outbuildings, and hayfield/ fenced pasturage.	Amalgam of one existing assessor's parcel and a portion of 121.5-acre parcel (33-6). Small area of mapped habitat confirmed to be managed meadow and ornamental plantings in understory of mapped habitat (i.e., anthropogenic).
Lot 3 6.7 acres**	Residential	Continuation of current uses, including two residential structures, outbuildings, tennis court and enhancement of the 'the arboretum'. Consolidation and relocation of parking areas anticipated.	Portion of 121.5-acre parcel (33-6). Portions of mapped habitat confirmed to be dominated by ornamental plantings in overstory and understory of mapped habitat (i.e., anthropogenic). Small area of mapped habitat supports suitable habitat for moth species; no development activities anticipated in this area but may include limited vegetation management (e.g., brushhogging of understory at interval no more frequent than every 3 years). Lot to be deed-restricted to prevent any future subdivision.
Lot 4 3.2 acres	Residential	Continuation of current uses, including residence and outbuildings.	Portion of 121.5-acre parcel (33-6). Small area of mapped habitat supports suitable habitat for moth species; no activities anticipated in this area.
Lot 5 9 acres	Recreational	Continuation of current use.	Existing lots to be shared by family members and maintained in a manner consistent with current conditions (e.g., regular mowing of 'anthropogenic' lawn areas. Configuration of the three lots and extent of wetlands deems it undevelopable for residential purposes.

^{*} Acreages based on GIS data for planning purposes and subject to minor differences resulting from ground survey or adjustments to lot dimensions as the subdivision goes through MVC review.

^{**} Minimum lot size for residential construction on Chappaquiddick is 3.0 acres. Lots greater than 6 acres will be deed-restricted to prevent future subdivision.

As a reflection of the family's overall commitment toward conservation, no more than two new house lots will be created in addition to the five existing lots with pre-existing occupiable structures on the overall property: one on Lot 1C (7.8 acres) that will utilize an existing driveway to access Chappaquiddick Road, and another on Lot 1B (which will consist of the minimum three-acre lot size for residential development per zoning). This stands in stark comparison to a "highest and best use" analysis of the overall property, which estimated that 16 additional (beyond the seven retained lots) individual parcels of greater than three acres could be created on the overall 215-acre property under current zoning regulations, which, by stipulating maximum areas of disturbance on each lot of one-quarter to no more than one acre, could provide sufficient mitigation set-asides of suitable upland habitat for potential impacts to mapped rare species habitat.

Based on the vegetative community analysis of the overall property, among the proposed lots and potential future activities, only development of a potential residence and associated uses on Lot 1C has the potential to impact actual rare species habitat associated with Imperial Moth, involving a mixed oak/pitch pine forest that is in a late state of succession toward a predominantly oak forest. Figure 5 presents the proposed lot lines as an overlay to the vegetative community inventory. While no development plans are presently known for that parcel, the Applicant commits to no more than five acres of disturbance on that parcel.

4.0 IMPACT ANALYSIS

To a large extent, beneficiaries of the estate who plan to retain land will use the existing structures and maintain the adjacent landscape in a manner that is consistent with its historical use, activities that are exempt from review under one or more subparagraphs of 321 CMR 10.14 (Exemptions from Review for Projects or Activities in Priority Habitat). Further, most of the retained acreage is coincident with either cultural grassland or "anthropogenic" landscapes, such as residentially maintained lawns and landscaped areas. Areas classified in the vegetative community mapping efforts as "anthropogenic" were presented in a zoom meeting between representatives of NHESP, Basswood Environmental, Ariadne Environmental Consulting, and PMF family members, at which time it was agreed that that those areas characterized as "anthropogenic", some of which occurred on the fringes of mapped habitat, were unlikely to provide actual rare species habitat, or met the definition of exempt activities.

It is anticipated that new residential construction (as differentiated from possible modifications to existing residential dwellings and ancillary structures) could occur on two of the proposed lots: Lot 1B and Lot 1C. Proposed Lot 1B, consisting of 3.0 acres, is not presently mapped, and supports a cultural grassland (i.e., hayfield). No impacts to rare species habitat are expected to occur as a result of construction on this lot. Proposed Lot 1C, consisting of 7.8 acres presently supports a pitch-pine oak woodland community that supports potential habitat for Imperial Moth, and may also support habitat for Water-willow Stem Borer Moth, however it is not anticipated that any activity would be proposed in suitable habitat for the wetland-dependent insect.

It is unknown at this time precisely where, or how large an area of conversion of suitable pitch-pine oak woodlands to residential and ancillary use will be, but the Applicant voluntarily agrees to restricting alteration to no more than five acres, and to demonstrate compliance with that restriction by submitting plans for review and approval of the proposed location and dimensions of a building envelope once a future owner has had an opportunity to undertaken preliminary site planning. It is furthermore noted that, to assist a future buyer in understanding the site conditions more thoroughly (e.g., topography, sun

aspect, etc.), some degree of brush hogging may occur to open sight lines, but that such vegetation management would consist solely of cutting understory vegetation to a height no less than 6 inches, and that it would be concentrated in the most likely area in which a house could be constructed in compliance with zoning and wetland setbacks.

Figure 6 provides a recordable graphic identifying where adjusted lot lines (as a dark outline) overlap mapped Pitch Pine – Oak Woodlands (the only suitable habitat for rare species in which future impacts may occur), as well as showing existing assessor's parcels.

5.0 CONCLUSION

The Applicant, reflecting the collective desire of the eight beneficiaries of the will of Charles A. Welch, is seeking a Determination from the Division of Fisheries and Wildlife as to the permissibility of the proposed lot line revisions and land conservation plan under MESA. The beneficiaries have undertaken years of internal discussions to come forward with a proposal that reflects current and prior generations' strong land conservation ethos, while allowing very limited future development potential that minimizes impacts to rare species habitats to a degree that is uncommon for parcels of this size. The Applicant is furthermore seeking this Determination to support the pending review of the proposed subdivision though the MVC Development of Regional Impact review, which is anticipated to be begin in the winter of 2022/2023.

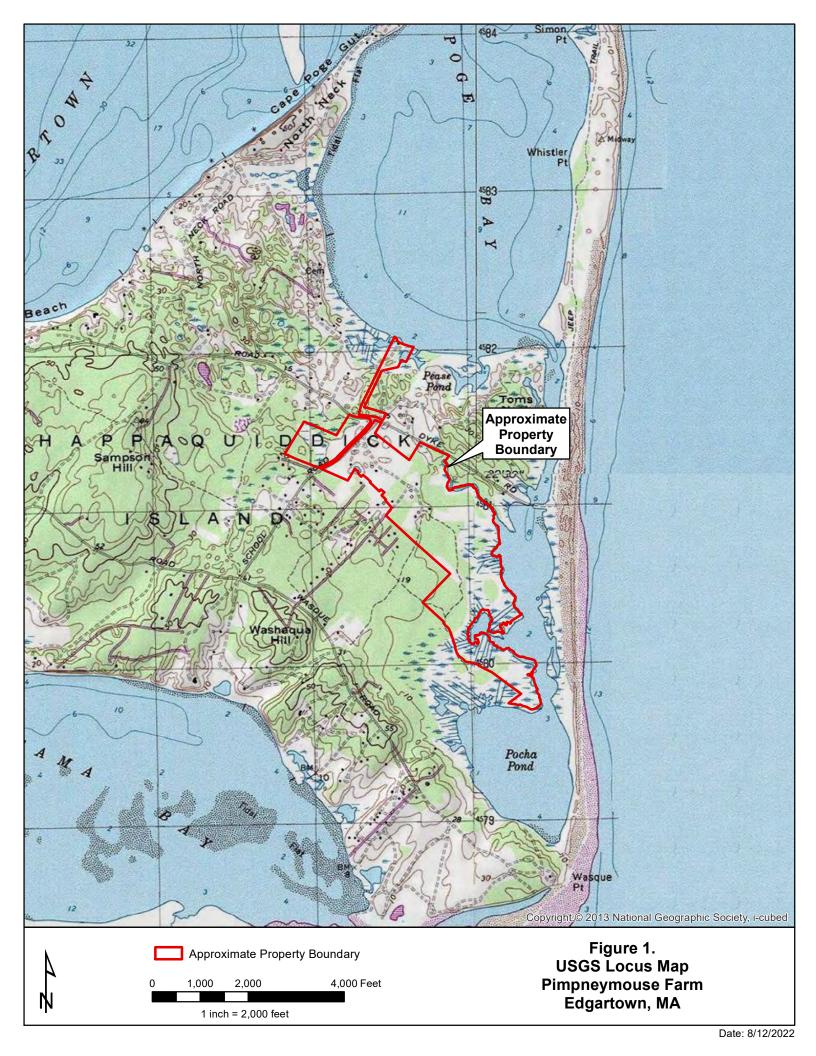
APPENDIX A

Figures

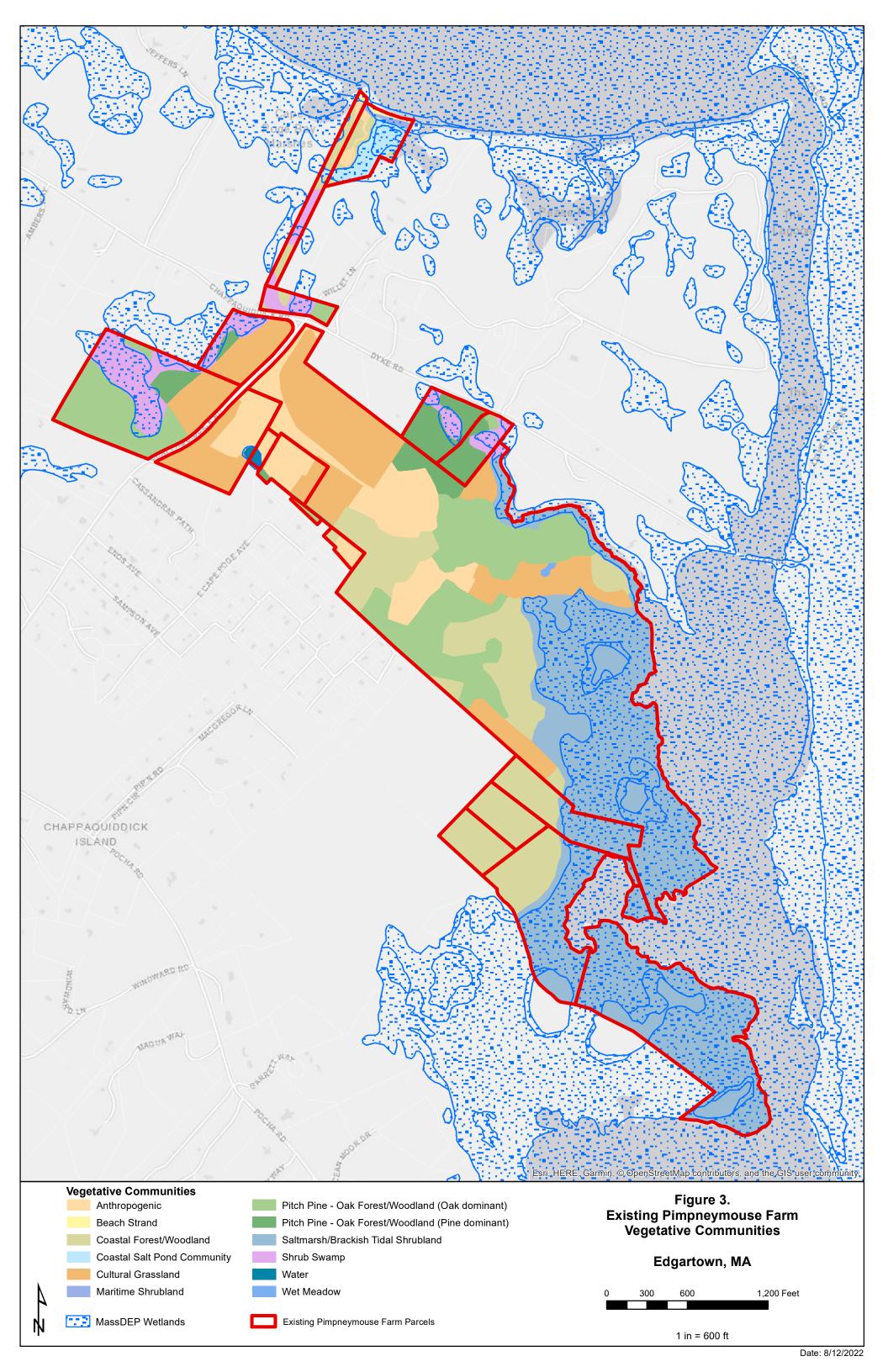
- Figure 1 USGS Locus Map
- Figure 2 Assessors Parcels and NHESP Mapped Habitats (aerial base)
- Figure 3 Existing Vegetative Communities and Mass DEP Wetlands
- Figure 4 Rare Species by Assessor's Parcel ID
- Figure 5 Proposed Lot Line Revisions*
- Figure 6 Proposed Lot Line Revisions and Vegetative Communities*
- Figure 7 Retained Acreage and Pitch Pine / Oak Forest Communities*

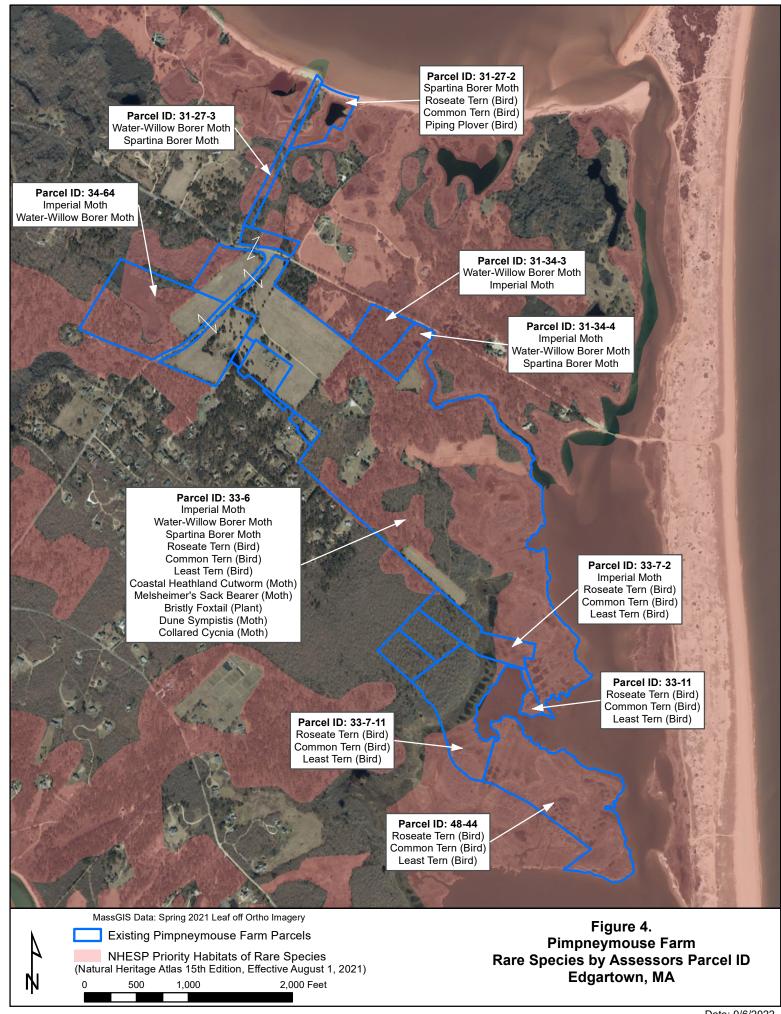
*note: Figures 5-7 reflect a best estimation of proposed lot lines based on GIS approximations.

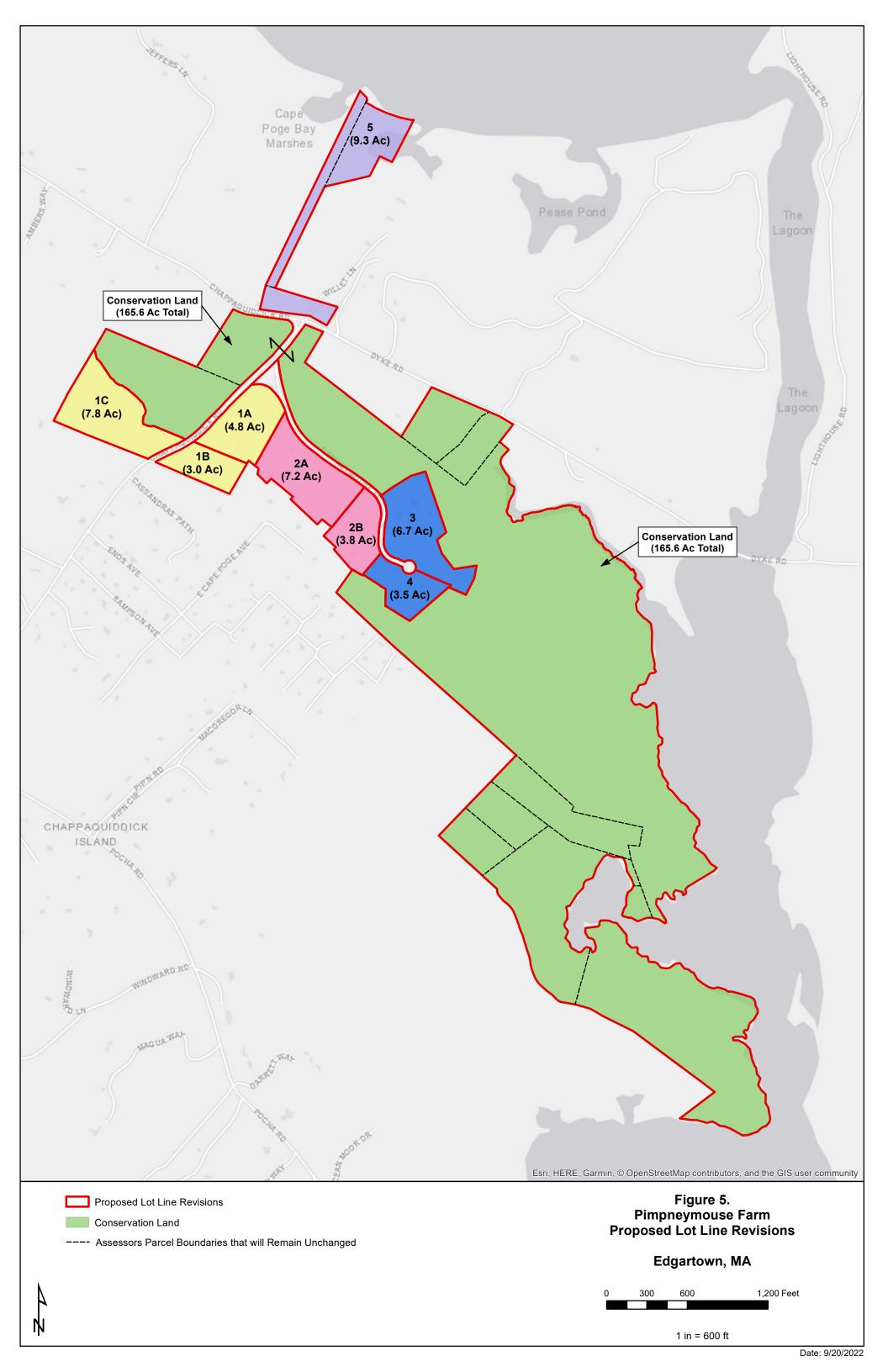
Subdivision plans will be developed to land survey accuracy standards in conjunction with completion of the pending Martha's Vineyard Commission Review process for the overall project.

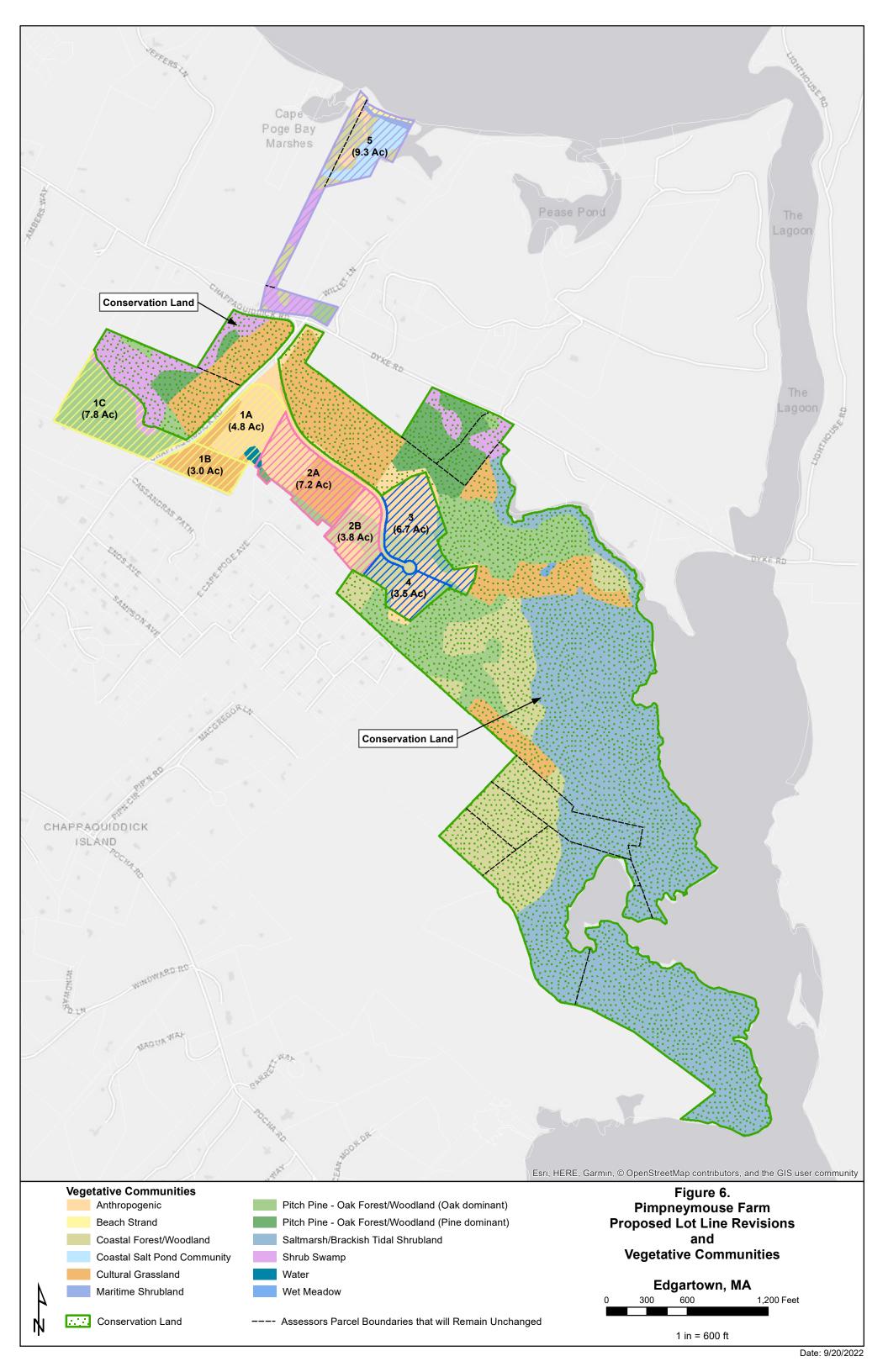


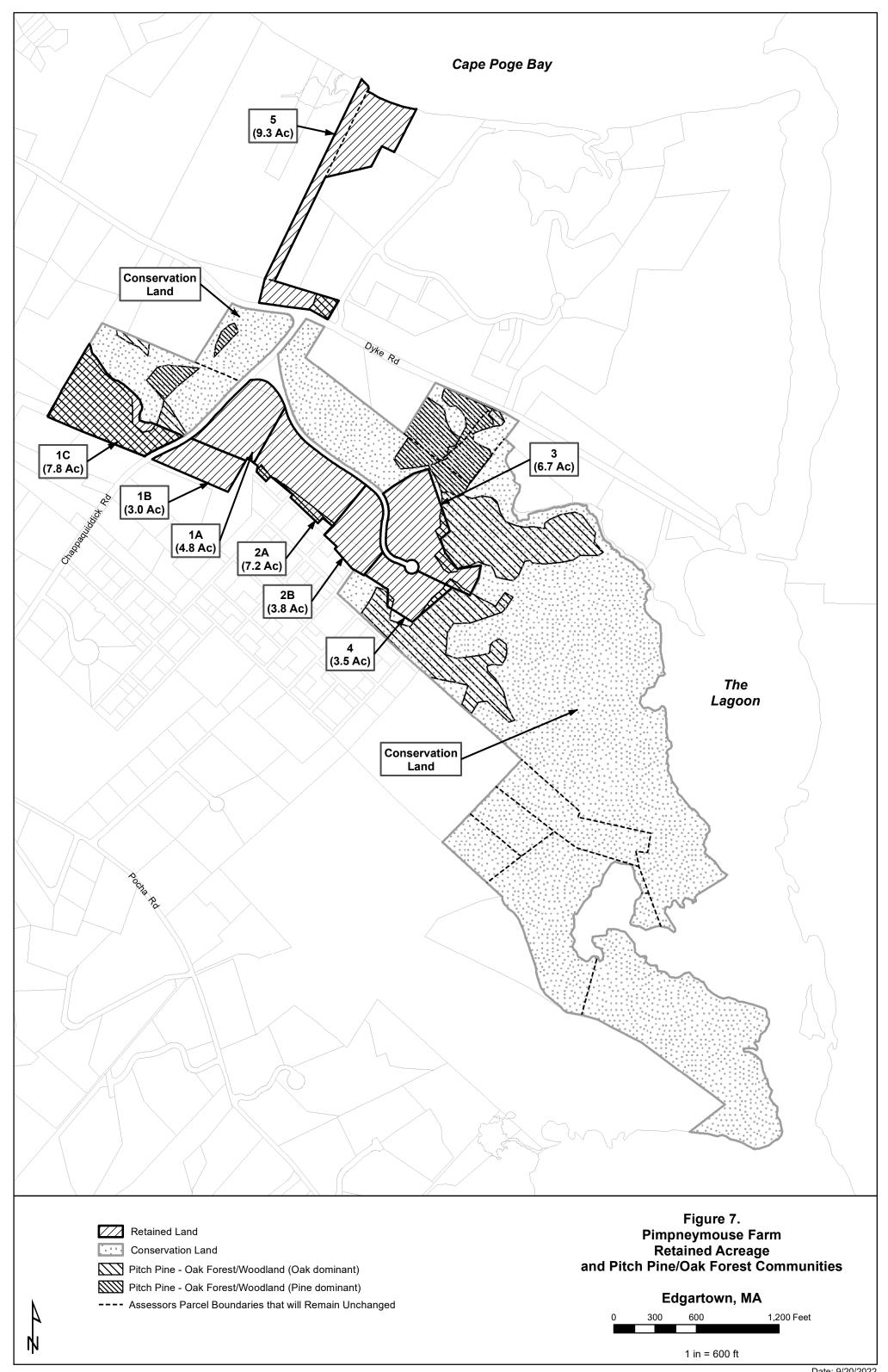






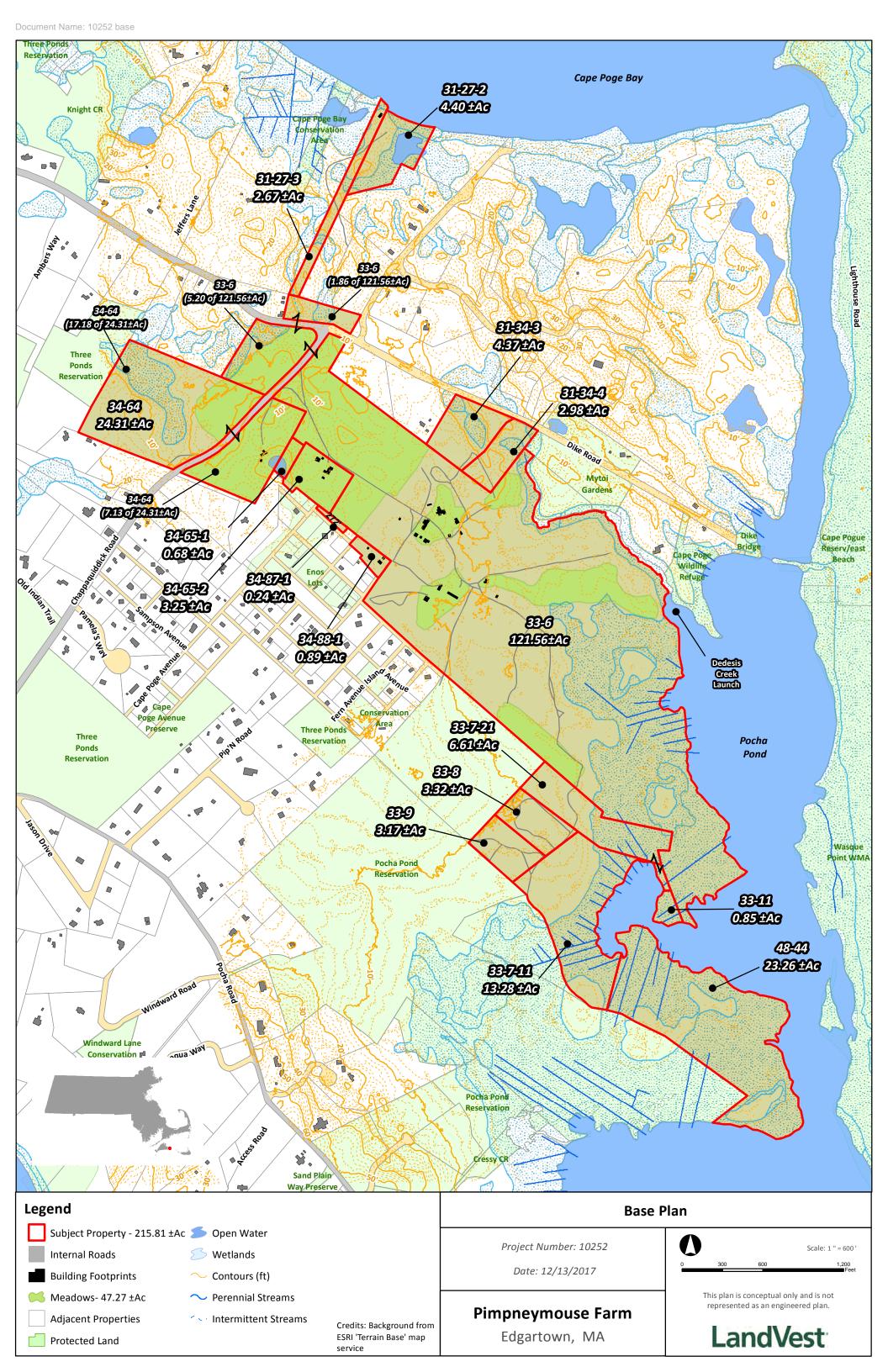






APPENDIX B

Land Ownership Documentation



Appendix B

Pimpneymouse Farm Ownership Documentation

Download of Edgartown Properties List under name of Adrienne Silbermann, Trustee

*note: Assessor's data concerning acreages is not accurate

					4						Commonto nontinont to \$4554
Owner	Co-owner	map	block	lot	str #	street	acres*	book	page	sale date	Comments pertinent to MESA application
SILBERMAN ADRIENNE E& EMMONS J H JR TRS	UNDER THE WILL OF CHARLES A WELCH	31	27	2	9	WILLET LN	4.40	0598	0071	1/20/93	proposed shared lot associated with boathouse on Cape Poge Bay
SILBERMAN ADRIENNE E& EMMONS J H JR TRS	UNDER THE WILL OF CHARLES A WELCH	31	27	3	12	WILLET LN	2.80	00294	0124		proposed shared lot associated with boathouse on Cape Poge Bay
SILBERMAN ADRIENNE E& EMMONS J H JR TRS	UNDER THE WILL OF CHARLES A WELCH	31	34	3	36	DIKE BRIDGE RD	4.34	00416	0683	6/29/84	proposed conservation land
SILBERMAN ADRIENNE E& EMMONS J H JR TRS	UNDER THE WILL OF CHARLES A WELCH	31	34	4	40	DIKE BRIDGE RD	3.03	00416	0683	6/29/84	proposed conservation land
SILBERMAN ADRIENNE E& EMMONS J H JR TRS	UNDER THE WILL OF CHARLES A WELCH	31	182			JEFFERS LN	0.17	0180	0362	5/22/30	off-site unbuildable parcel; not addressed in MESA application
SILBERMAN ADRIENNE E& EMMONS J H JR TRS	UNDER THE WILL OF CHARLES A WELCH	33	6		16	PIMPNEYMOUSE LN	125.50	000D5	2044	1/1/45	Primary Lot. Lot lines to be revised to facilitate transfer of existing residentially developed areas to individual ownership. Majority of lot proposed to become conservation land
SILBERMAN ADRIENNE E& EMMONS J H JR TRS	GENTLE EDWIN B JR & FRANCES M	33	7	11		POCHA RD	18.20	00296	0064	6/1/72	PMF rights to parcel proposed to become conservation land
SILBERMAN ADRIENNE E& EMMONS J H JR TRS	UNDER THE WILL OF CHARLES A WELCH	33	7	2		POCHA RD	6.85	0032	0215	6/28/84	proposed conservation land
SILBERMAN ADRIENNE E& EMMONS J H JR TRS	UNDER THE WILL OF CHARLES A WELCH	33	8			POCHA RD	3.37	0180	0362	5/22/30	proposed conservation land

					str					sale	Comments pertinent to MESA
Owner	Co-owner	map	block	lot	#	street	acres*	book	page	date	application
SILBERMAN ADRIENNE E& EMMONS J H JR TRS	UNDER THE WILL OF CHARLES A WELCH	33	9			POCHA RD	3.17		0		proposed conservation land
SILBERMAN ADRIENNE E& EMMONS J H JR TRS	UNDER THE WILL OF CHARLES A WELCH	33	11			POCHA RD	0.88	0180	0362	5/22/30	proposed conservation land
SILBERMAN ADRIENNE E& EMMONS J H JR TRS	UNDER THE WILL OF CHARLES A WELCH	34	64		279	CHAPPAQUIDDICK RD	24.10	0200	0304	12/12/39	Lot lines to be revised to facilitate transfer of an existing residentially developed area to individual ownership and to create two new residential lots. Remainder of existing parcel proposed as conservation land.
SILBERMAN ADRIENNE E& EMMONS J H JR TRS	UNDER THE WILL OF CHARLES A WELCH	34	65	1		CHAPPAQUIDDICK RD	0.64	00033	0309	5/14/85	Lot lines to be revised to facilitate transfer of an existing residentially developed area to individual ownership.
SILBERMAN ADRIENNE E& EMMONS J H JR TRS	WELCH CHAPPAQUIDDICK TRUST	34	65	2	5	PIMPNEYMOUSE LN	3.13	0033	0311	12/18/12	Lot lines to be revised to facilitate transfer of an existing residentially developed area to individual ownership.
SILBERMAN ADRIENNE E& EMMONS J H JR TRS	UNDER THE WILL OF CHARLES A WELCH	34	88	1	15	PIMPNEYMOUSE LN	0.80	00307	0119	5/18/73	Lot lines to be revised to facilitate transfer of an existing residentially developed area to individual ownership.
SILBERMAN ADRIENNE E& EMMONS J H JR TRS	UNDER THE WILL OF CHARLES A WELCH	35	9		71	LITCHFIELD RD	0.16	0180	0362	5/22/30	off-site unbuildable parcel; not addressed in MESA application
SILBERMAN ADRIENNE E& EMMONS J H JR TRS	UNDER THE WILL OF CHARLES A WELCH	35	37		25	LITCHFIELD RD	0.08		0		off-site unbuildable parcel; not addressed in MESA application
SILBERMAN ADRIENNE E& EMMONS J H JR TRS	UNDER THE WILL OF CHARLES A WELCH	48	44			CHAPPAQUIDDICK RD	23.00	0200	0304	12/12/39	proposed conservation land

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D						ERMIT REC								oral Appraiso			CHANGE	HISTO	RY	11,000,000
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