



MASSWILDLIFE

DIVISION OF FISHERIES & WILDLIFE

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MASS.GOV/MASSWILDLIFE

Jack Buckley, *Director*

November 15, 2016

Jeffrey T. Shortis
20 Indian Hill Road North
Chatham, MA 02633

RE: Applicant: Jeffrey T. Shortis
 Project Location: Indian Hill Road North, CHATHAM (Plan Book 180, Page 71, Barnstable County Registry of Deeds)
 Project Description: Installation of Path and Stairs to School House Pond
 NHESP File No.: **15-35040**

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 (dated October 31, 2015, revised through October 25, 2016) 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 this project, as currently proposed, will occur **within** the actual habitat of the following state-listed plant species. These species and their habitats are protected in accordance with the rare species provisions of the MESA.

<u>Scientific Name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
<i>Persicaria puritanorum</i>	Pondshore Knotweed	Vascular Plant	Special Concern
<i>Persicaria setacea</i>	Strigose Knotweed	Vascular Plant	Threatened
<i>Sabatia kennedyana</i>	Plymouth Gentian	Vascular Plant	Special Concern

The project, as proposed, includes the installation and maintenance of a four (4) foot mown walking path and wooden stairs to provide access to Schoolhouse Pond, as shown on the project plans. The project also includes ongoing, temporary use of the shoreline between the stairs and the pond (e.g., a 4 foot path below mean annual flood level and in-line with the stairs, as shown on the project plans) for purposes of boat launching (e.g., kayaks, canoes, or similar). However, the project does *not* include

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maintenance of or disturbance to shoreline habitats (no disturbance to soils or vegetation, including but not limited to trampling, cutting or removing vegetation) beyond the area described above.

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 (a) record this letter and the project plans in the Barnstable County Registry of Deeds or the Land Court for the district in which the property is located so as to become a record part of the chain of title for the property; and (b) provide the Division with proof of said recordation.
2. **Symbolic Flagging:** Prior to the start of work, symbolic flagging or fencing shall be erected around the limit of work and maintained throughout the construction period. All work, including all soil disturbance, vegetation alteration, and material storage, shall occur within the limit of work shown on the project plans.
3. **Erosion Controls:** Any erosion control measures required by the Chatham Conservation Commission shall be installed and properly maintained until all work is complete and work areas have been properly stabilized.
4. **Use of Native Species:** All plantings or seed shall be native to Barnstable County, Massachusetts, as provided in *The Vascular Plants of Massachusetts: A County Checklist, First Revision* (Dow Cullina, Connolly, Sorrie & Somers, 2011).
5. **Signage:** Prior to the completion of work, or as otherwise approved by the Division, signage shall be installed as shown on the project plans. Said signage shall be maintained in good condition and repaired or replaced, as necessary.
6. **Compliance Report:** Within thirty (30) days of the completion of work, the Applicant shall remove symbolic flagging and submit written confirmation to the Division that: (a) symbolic flagging was installed and removed in accordance with Condition #2; and (b) no work or disturbance occurred outside the limits of work shown on the project plans. Said report shall include representative post-work photos demonstrating compliance with the conditions herein.

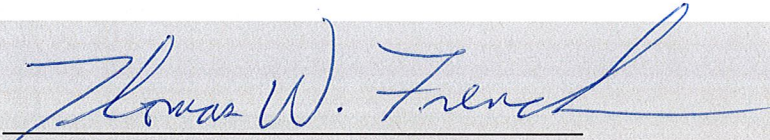
Provided the above-noted conditions are fully implemented and there are no changes to the project plans, this project will not result in a Take of state-listed species. We note that all work is subject to the anti-segmentation provisions (321 CMR 10.16) of the MESA. This determination is a final decision of the Division of Fisheries and Wildlife pursuant to 321 CMR 10.18. Any changes to the proposed project or any additional work beyond that 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.

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 project plans, (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 Jesse Leddick, Endangered Species Review Biologist, at (508) 389-6386 or jesse.leddick@state.ma.us.

Sincerely,



Thomas W. French, Ph.D.
Assistant Director
Massachusetts Division of Fisheries & Wildlife

On this 15th day of November, 2016, before me, the undersigned notary public, personally appeared Thomas W. French, Ph.D., 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.

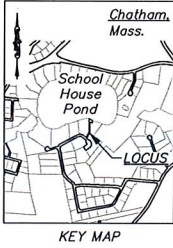


Emily Melissa Holt, Notary Public
My Commission Expires: July 28, 2017

- Enclosed: "Site Plan" (three pages; dated October 31, 2015, revised October 25, 2016; prepared for Jeff Shortis; prepared by Eldredge Surveying & Engineering, LLC)
- cc: Janet M. Raymond c/o Richard A. Raymond
J. Thaddeus Eldredge, Eldredge Surveying & Engineering, LLC
Town of Chatham Conservation Commission



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Conservancy District C-30
 Schoolhouse Pond and Ryder's Pond
 Pond Elev. = 15.9 (NGVD, 1974)
 Contour Elev. = 16.8 (NAVD)

School House Pond
 A Great Pond

Assessors' ID: 8G-9A-BEACH

OWNER OF RECORD:

Janet M. Raymond
 c/o Richard A. Raymond
 Deed Book 3685, Page 117
 Plan Book 180, Page 71,
 Private Beach

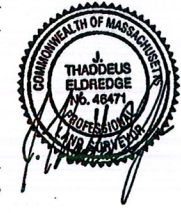
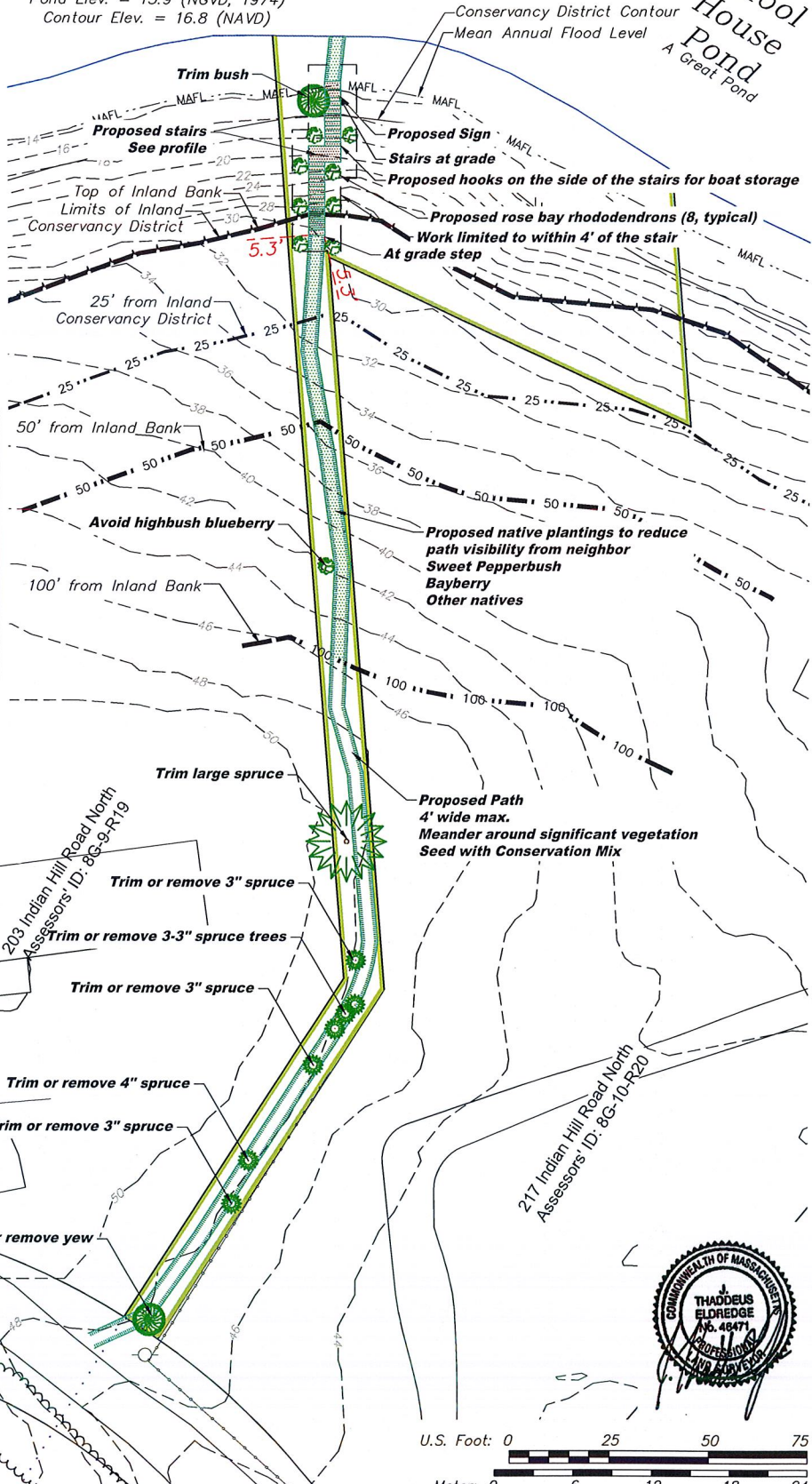
The sign will contain the following language:

Private Stair & Path

Please tread lightly, do not trample, cut or remove vegetation. This shoreline contains Rare and Endangered Plant Species protected under the Massachusetts Endangered Species Act.

Boat storage on hooks only and boat launching is limited to be in line with the stair.

We are doing our part to limit our footprint and protect the plants, please do the same yourself.



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X:\ARCHIVED DRAWINGS\4483 010 - Shortis-Connors\4483 010 SHORTIS STAIR DESIGN 2016-10-04.DWG

Date: 10-31-2015
 Scale: 1" = 25'
 Project No.: C-4483-01.0
 Sheet No.: 2 of 3

JEFF SHORTIS
ELDRIDGE SURVEYING & ENGINEERING, LLC
 1038 Main Street, Chatham, MA 02633
 (508) 945-3965; Fax: (508) 945-5885

SITE PLAN		
Indian Hill Road North, Chatham, Massachusetts		
#	Description of Revision	Date
1	Added landing, shifted stairs	12-08-15
2	Changes per NHESP	10-04-16
3	Changes per NHESP	10-25-16

