

February 19, 2021

Town of Manchester-by-the-Sea  
Conservation Commission  
10 Central Street  
Manchester-by-the-Sea, MA 01944

**Re: Response to Peer Review Reports for ANRAD  
School Street - Manchester, MA  
DEP File # 39-0834**

Dear Manchester Conservation Commission,

Goddard Consulting, LLC is pleased to submit this letter in response to a report and subsequent memo prepared by DeRosa Environmental Consulting, Inc. (DEC) - the peer reviewer for the Manchester Conservation Commission – titled “Review of Abbreviated Notice of Resource Area Delineation (ANRAD) Submittal,” dated January 12, 2021 and MEMO re: Supplemental Information dated February 16, 2021. DEC’s “Findings & Recommendations” are restated in gray font and corresponding Goddard Consulting responses are provided in bold.

7. We agree with the boundary determinations presented by the Applicant and their representatives and as shown on the Existing Conditions Plan Sheet V-101 and V-102, revised December 22, 2020, for the following wetland resource areas:

1. Bordering Vegetated Wetland:
  - i. Series A Wetland
  - ii. Series B Wetland
2. 200-foot Riverfront Area associated with Sawmill Brook

**We appreciate DEC confirming the accuracy of the listed resource area boundaries and updating the review to confirm the accuracy of the “D-series” wetland via the memo.**

8. Based on the presence of low chroma soils associated with the ravine in the southern portion of the site as discussed in the narrative of this report. Additional work may need to wait for Spring 2021 to allow the herbaceous plant community to present itself.

**The applicant has agreed to continue the ANRAD until such time as this ravine area can be thoroughly assessed and surveyed for the presence of jurisdictional resource**

**areas. We anticipate that this assessment (and additional delineation if deemed necessary) will take place in early-to-mid April.**

9. We suspect that at least two (2) of these wetland areas (Series A and Series B Wetlands) may function as vernal pool breeding habitat based on the presence of breeding amphibians on adjacent properties and the mapped polygons by NHESP for rare and endangered species (PH 1799 and PH 1805).

**The applicant has authorized Goddard Consulting to perform a thorough vernal pool survey of all onsite wetlands during the 2021 vernal pool active season. The results of this survey will be presented to the Commission in a report to be submitted prior to the April public hearing (if the survey has been completed at that time).**

**For the vernal pool survey, I will select a precipitation-free day during the peak of vernal pool activity (based on my active monitoring of the onset of the vernal pool active season throughout eastern MA) in late March or early April and perform an inspection of all onsite wetlands (and offsite wetlands within approximately 100 feet) for evidence of vernal pool indicator species. The survey will be conducted in accordance with the MassWildlife document: "Guidelines for the Certification of Vernal Pool Habitat, March 2009." I will search throughout the target wetlands for "obligate" amphibian egg masses (most commonly wood frog and spotted salamander) with the aid of polarized glasses; search for spotted salamander spermatophores; listen for chorusing by wood frogs and other "facultative" amphibian indicator species; dip-net for fairy shrimp.**

**If during the initial site visit, there is no evidence of vernal pool indicator species or an accurate count of egg masses cannot be performed, further site inspections shall be conducted on a weekly basis for an additional three weeks from early April to May 2021 until an accurate count and documentation of egg masses and/or other biological evidence (or lack thereof) can be produced. I have over 20 years of experience surveying for vernal pools and have personally certified 133 pools in MA.**

**Please note that the Applicant has withdrawn the Bylaw portion of the ANRAD application, so the sole purpose of the ANRAD is the confirmation of resource area boundaries subject to the jurisdiction of the MA Wetlands Protection Act [M.G.L. c. 131, § 40] ("the Act") and regulations. Accordingly, the request before the Commission is the confirmation of resource areas subject to protection under the Act, and "vernal pool" is not a regulated resource area (see 310 CMR 10.02(1) below).**

10.02: Statement of Jurisdiction

(1) Areas Subject to Protection under M.G.L. c. 131, § 40. The following areas are subject to protection under M.G.L. c. 131, § 40:

- |     |                         |           |             |
|-----|-------------------------|-----------|-------------|
| (a) | Any bank,               |           | the ocean   |
|     | any freshwater wetland, |           | any estuary |
|     | any coastal wetland,    |           | any creek   |
|     | any beach,              | bordering | any river   |
|     | any dune,               | on        | any stream  |
|     | any flat,               |           | any pond    |
|     | any marsh,              |           | or any lake |
|     | or any swamp            |           |             |
- (b) Land under any of the water bodies listed above  
(c) Land subject to tidal action  
(d) Land subject to coastal storm flowage  
(e) Land subject to flooding  
(f) Riverfront area.

**The regulations [310 CMR 10.04] define “Vernal Pool Habitat,” but not “vernal pool” as a resource area. See definition below:**

Vernal Pool Habitat means confined basin depressions which, at least in most years, hold water for a minimum of two continuous months during the spring and/or summer, and which are free of adult fish populations, as well as the area within 100 feet of the mean annual boundaries of such depressions, to the extent that such habitat is within an Area Subject to Protection under M.G.L. c. 131, § 40 as specified in 310 CMR 10.02(1). These areas are essential breeding habitat, and provide other extremely important wildlife habitat functions during non breeding season as well, for a variety of amphibian species such as wood frog (*Rana sylvatica*) and the spotted salamander (*Ambystoma maculatum*), and are important habitat for other wildlife species.

**To summarize this point, Goddard Consulting will perform a thorough vernal pool survey in March and April of 2021, and will provide the results of the survey to the Commission. The ANRAD currently before the Commission however does not include a request for confirmation of vernal pool habitat; this detailed information will be relevant to any potential future proposed alteration of vernal pool habitat or other resource areas if put forth in an NOI to the Commission, but it is not requested as part of the ANRAD.**

10. Based on these findings we suggest that additional study is required regarding the function and value of the Series A and Series B wetland areas as vernal pool breeding habitat and the function and value of the upland areas of the site for non-breeding season habitat.

**Because the ANRAD is now subject to the WPA only, the function and value of the wetland resource areas is beyond the scope of the ANRAD before the Commission. The applicant simply requests the confirmation of the boundaries of resource areas**

**subject to the jurisdiction of the Act. We therefore respectfully do not agree to provide such a study.**

11. We recommend that the Commission request the Applicant prepare a detailed vernal pool habitat investigation to document the presence/absence of vernal pool species on the parcel and assess the function and value of the wetland areas and upland areas for use by vernal pool breeding species to be implemented during the Spring 2021 vernal pool season.

**See response to #10. Such an investigation is outside of the scope of the ANRAD under the WPA.**

12. We suggest that the Existing Conditions Plan Sheets V-101 and V-102 be updated based on comments regarding Riverfront Area nomenclature and the addition of local buffer zones as described in the narrative of this letter report.

**Allen & Major will update the plans with the suggested Riverfront Area nomenclature. Any additional wetland resource areas observed during the spring investigations will be surveyed and added to the plans. The addition of local buffer zones is not consistent with the request for confirmation of resource area boundaries subject to the Act only. We therefore do not feel that this request is warranted.**

Sincerely,

GODDARD CONSULTING, LLC

by



Daniel Wells, M.S.  
Senior Wildlife Biologist and Wetland Scientist