



**MANCHESTER ESSEX
CONSERVATION TRUST**

Preserving natural beauty, wildlife, and
resources at the gateway to Cape Ann

Box 1486 • Manchester, Massachusetts 01944
978 890 7153 • www.mect.org

July 13, 2022

Town of Manchester-by-the-Sea
Zoning Board of Appeals
% Chairwoman Sarah Mellish

Chair Mellish and Board members,

Thank you for the extensive time and effort that you have dedicated in service to the town on the Zoning Board, and in particular on the Comprehensive Permit Public Hearings for the proposed 40B development on Shingle Place Hill. At this point, I imagine, with summer looming and over-commitments from these proceedings setting in, it might be tempting to yield to the volumes of documents from the applicant and peer reviewers and give in to a 'consensus by exhaustion'. I hope that you can remain vigilant and protective of the environment, the watershed, the infrastructure and budget, and the community of Manchester-by-the-Sea.

I want to provide comments on the Wildlife Study provided by Goddard Associates for the applicant. On page 33 of the Goddard Consulting Wildlife Habitat Assessment and Vernal Pool Analysis, dated July 5, 2022, the Goddard Consulting investigators mention that they found "minnow traps" in a certified vernal pool adjacent to the boardwalk. Incorrectly, the investigators noted that this was on MECT property when it is actually town-owned conservation land. The investigator continues to state that they lifted the traps, counted the salamanders and repositioned the traps so that the salamanders could breath.

At this time (3/25/22), the Goddard Consulting investigator also inquired through email and an array of lawyers to find out who was using the traps. "He presumes that they were attracted to the trap because, whoever set them, used bait." We immediately responded that the traps were part of a state amphibian collection permit by authorized consultants, and were not baited. We also requested that they not release salamanders, nor disturb our traps. While it may be true that the traps were temporarily submerged, the protocol requires that the traps are monitored and all amphibians released in 24 hours. Our extensive data records required by the permitting note that there was substantial rainfall between the time periods that they were monitored on 3/24 and 3/25 which may have resulted in the traps being temporarily submerged, but at no time during our investigation did salamanders die in the traps.

I include these details here, because I am very disturbed by the actions taken by Goddard Associates in lifting and repositioning the traps, and seek to understand how this came about. The investigator did not know that this type of trap is recommended by the state for capturing and releasing salamanders in the endangered species program. The investigator was seemingly unaware of the protocols and data collection requirements associated with the state amphibian collection permit in vernal pools, ie



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salamanders. With this lack of knowledge, the investigator invalidated a month-long scientific investigation, with 30 traps divided into 3 vernal pools, paid for by MECT. I reiterate that this study was NOT conducted on the parcel that is privately owned and the subject of the 40B development. The MECT investigation was conducted, with permission, on municipal and privately owned parcels.

Perhaps these actions are due to a lack of experience and training, a lack of scientific knowledge and judgement; certainly, there was a lack of respect for other organizations property, seemingly combined with naivete about rescuing salamanders – how ironic for the investigator claiming that the destruction of over 7 acres of upland habitat will have not impact on the vernal pool habitat.

Finally, the two newly certified vernal pools to the north and west of the proposed development were studied by a Goddard Consulting scientist in the 2021 season. His recommendation was to NOT submit the egg mass findings to the state for a determination on certification of these pools. Fortunately, MECT had also collected egg mass data and submitted the data for certification.

Please keep these “lacks” in mind as you read and process the remaining analysis and conclusions in the Wildlife Habitat Assessment and Vernal Pool Analysis.

Sincerely,

Patrice Murphy
Executive Director
Manchester Essex Conservation Trust