



## Town of Lancaster

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Office of the  
Conservation Commission

March 26, 2019

Jeanne Rich, Chair  
Lancaster Zoning Board of Appeals

### RE: Goddard Consulting 03.22.19 Environmental Analysis for Goodridge Brook Estates

Dear Ms. Rich:

Below are comments submitted by the Conservation Commission and Conservation Agent pursuant to our review of the above referenced document (the "Report"):

#### Vernal Pools, Intermittent Stream

The Report's authors state, in its Introduction, that they inspected the proposed Goodridge Brook Estates project site on March 6, 14, and 19 of 2019. They state further, in the first paragraph of Section 2.1.1, "Vernal Pools": "... *with snow cover and remnant ice present on all of the wetland resource areas, therefore we cannot make any definitive conclusions regarding the presence or absence of vernal pools within the project site or immediate vicinity.*" [Our bold] In the third paragraph of Section 2.1.1, the Report states: "*The 300-series wetland, located partially onsite in the northeast corner, appeared to contain some pockets of shallow standing water that could be potentially suitable as breeding habitat for vernal pool-breeding amphibians, however as described above, this could not be confirmed until early-to-mid April.*" [our bold]

The second and third paragraphs of Section 2.1.3, "Intermittent Stream", state, respectively:

*"Some observations of aquatic insects revealed a species of cased caddisfly (order Trichoptera) to be present within the stream. Species level identification of the observed specimens was not performed; however their presence is an indicator of good water quality within the brook."*

*"Additional wildlife species that could potentially utilize the stream for a majority of their life history functions consist of stream-dwelling salamanders including the two-lined and Northern dusky salamanders... These species could not be surveyed for until later in the spring."* [our bold]

Comments on Sections 2.1.1 and 2.1.3: A conclusive survey for vernal pools on the site needs to be done now, since this is the optimal, if not only, time of year for definitively locating and identifying vernal pools. In addition, for any pools found, the species utilizing them need to be inventoried, and the same is true for the intermittent stream, which, under the Lancaster Wetlands Protection Bylaw, has a jurisdictional 200-foot Riverfront Area with the same Performance Standards as perennial streams under the Massachusetts Wetlands Protection Act (WPA).

### **Endangered Species**

The Report states in Section 2.1.2 "Endangered Species: *"... there are no records (known to NHESP [Massachusetts Natural Heritage and Endangered Species Program]) of any rare wildlife or plant species within or adjacent to the project site, and the presumption is that there are none present."*

Comments on Sections 2.1.2: "Rare Species" defined in Section 215-3 of the Lancaster Wetlands Protection Bylaw "Includes, without limitation, all vertebrate and invertebrate animals and all plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife and the National Heritage Endangered Species Program (NHESP), **regardless whether the site in which they occur has been previously identified by the Division or Program.**" [our bold] Section 301-8.D, sub-section (2) of the Lancaster Subdivision Rules and Regulations also does not restrict "important wildlife habitats" or "outstanding botanical features" to areas where species listed as endangered, threatened, or of special concern have been previously identified by NHESP.

Therefore, surveys for, and inventories of, the entire site's State-listed endangered, threatened, and special concern species of plants, reptiles, amphibians, breeding birds, and invertebrates should be conducted pursuant to the provisions of Section 301-8.D(2) of the Lancaster Subdivision Rules and Regulations and Section 215-6, sub-sections H and I, of the Lancaster Wetlands Protection Bylaw. Species of "conservation concern", i.e. species not formally classified by NHESP as endangered, threatened, or of special concern, but known to be in decline, should also be included in the surveys/inventories.

### **Snags, Breeding Birds**

The Report states In Section 2.1.4 "Snags":

*"The site contains numerous tall, dead standing trees or 'snags.' These are important wildlife habitat features for birds, such as woodpeckers which forage for insects within the rotting wood or make cavities for sheltering and nesting . . . The snags are present both within the wetland resources and the adjacent uplands (Photo 2)."*

*"A total of 375 snags were located on the property, with 196 found to be within areas proposed for development, and 179 outside of the proposed limit of work."*

The Report states in Section 2.1.5 "Breeding Birds":

***"Breeding bird use of the site could not be assessed given the timing of site evaluations.*** [our bold] *Notable species documented onsite during the site evaluations include pileated woodpecker (Photo 3) and wild turkey. Mature contiguous forests such as that present in the site provide breeding habitat for a variety of permanent and migratory species. Again, no rare bird species are mapped by NHESP as present in the vicinity of the project site."*

Comments on Sections 2.1.4 and 2.1.5: The site needs to be surveyed and inventoried for nesting of "common" and NHESP State-listed rare species, and species known to be in decline. In addition, there should be a more detailed and quantified assessment of the impact of the loss of nearly 200 of the site's snags on its bird population, breeding birds in particular, whether common or not.



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## Existing Outstanding Botanical Features

The Report states in Section 2.2 "Existing Outstanding Botanical Features":

*"The existing land cover types within the site are mapped on Figure 2 which is attached to this report. **The site was surveyed during later winter, with snow cover and before leaf-out, so the vegetative species composition could not be thoroughly assessed.** [our bold] ... There are no rare plants mapped by NHESP within the site or vicinity."*

Comments on Section 2.2: The site's plant species and natural communities, both upland and wetland, need to be surveyed and inventoried in the same manner as its animal species, including NHESP State-listed rare species and species of conservation concern.

## Relationship to the requirements of the Wetlands Protection Act

The Report states in paragraph 2 of Section 4.1 "Relationship to the requirements of the Wetlands Protection Act": *"An additional wetland type present within the site is Isolated Vegetated Wetland (IVW). IVW is not an area subject to the jurisdiction of the WPA, therefore there are no WPA performance standards that apply to this resource area."*

Comments on Section 4.1: IVW is jurisdictional under the Lancaster Wetlands Protection Bylaw.

## Relationship to the requirements of the Mass. Environmental Policy Act (MEPA)

The Report states in Section 4.2 "Relationship to the requirements of the Mass. Environmental Policy Act (MEPA)": *"The proposed project does not require MEPA review since it does not require state agency review."*

Comments on Section 4.2: The Report is incorrect; MEPA review is required because the Massachusetts Department of Environmental Protection is required to review and submit comments on the Notice of Intent filing for the project, and possibly issue a Superseding Order of Conditions.

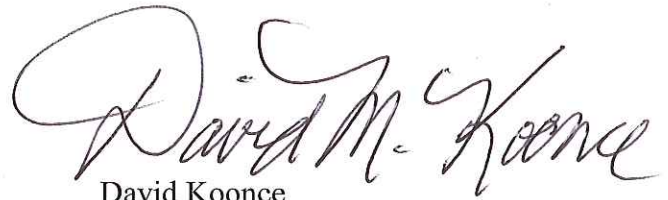
Summary and additional comments: The report is deficient in that it inadequately assesses impacts to the project site's wildlife and botanical resources specified in the Lancaster Subdivision Rules and Regulations and Lancaster Wetlands Protection Bylaw, in particular by not providing details of the habitats and species present on the site. In the interest of avoiding a potentially time-consuming pattern of repeatedly receiving reports from the Applicant's consultant(s) which upon review need to be revised with additional field data and/or analysis, it is recommended that the Board of Appeals hire consultants, through the Conservation Commission as described in the Conservation Agent's letter of September 18, 2018, where the Commission would precisely direct the consultants from the very beginning on the type of data needed and the issues to address in the final report. As commented above, for the vernal pool studies in particular, it is critical that work begin as soon as possible, while seasonal conditions are favorable.

Thank you for the opportunity to provide comments on this matter.

Sincerely,

A handwritten signature in blue ink that reads "Nathan Stevens". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Nathan Stevens  
Chairman

A handwritten signature in black ink that reads "David M. Koonce". The signature is elegant and cursive, with a large initial "D" and "K".

David Koonce  
Conservation Agent