



Working with you to protect the environment of Berkshire County and beyond

March 18, 2008

Secretary Ian A. Bowles
Executive Office of Energy and Environmental Affairs
MEPA Office
Attn: Briony Angus, EOEPA No. 13679
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: EOEPA # 13679 - New Marlborough Hill, New Marlborough, MA

Dear Secretary Bowles:

Please accept these comments from the Berkshire Environmental Action Team (BEAT) on the Notice of Project Change for New Marlborough Hill. Thank you for extending the comment period on this project to make up for the late mailing of the Notice of Project Change to all the required recipients.

Habitat fragmentation and GreenHouse Gas Emmissions:

New Marlborough Hill will fragment habitat and reduce forest cover. It is extremely important to minimize that impact in such a pristine place. The forest provides not only wildlife habitat, but clean air, pure water, carbon sequestration, and beautify scenery. The forest slows rain water limiting erosion, taking up water for transpiration, and purify the run off before it reaches the streams. All these ecosystem services will be impacted. BEAT believes all this loss will end up being for second homes. Homes that emit GreenHouse Gases all year round, while their owners will use them a few weekends each year. This is the worst kind of sprawl, and it is happening at a rapid pace in the Berkshires. Drive around in winter and you can see the chimneys sending gas skyward from homes that haven't seen a person in months. On a recent visit to Monterey, four of the five homes around our clients house, were unoccupied all winter; and yet all of them were heated and had plenty of lights on at night. This is what we think will happen at New Marlborough Hill.

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Rare and important species:

BEAT believes the greatest threats to both the rare species and the recently de-listed spotted turtle is habitat destruction and pollution and nutrification of the streams. It is important to make potential homeowners aware of the importance of their backyards to the health of the little stream at the base of the hill in their backyards. BEAT believes that the deed restrictions are an important component in alerting and educating all future homeowners at this development to their responsibilities in protecting this habitat. All homeowners should be notified that they are not allowed to alter the habitat within 200' of the stream without Conservation Commission permission AND that pesticides and fertilizers can easily make their way down to the little stream and cause environmental harm to that stream and Konkapot Brook, too.

Although the Spotted Turtle was removed from the Massachusetts rare and endangered species list, it remains extremely rare in Berkshire county. There are historical accounts that the Spotted Turtle was once the most common turtle in Massachusetts. Certainly I saw Spotted Turtles growing up in Pittsfield, but I have not seen one in the county in the last ten years. I would hope that if these turtles ever rebounded, there would still be suitable habitat in the Berkshires to support them. This project area is one of those areas, and I would hope consideration would still be given to maintaining the habitat in suitable condition for these animals.

Access and Utility Easement over "Lot 1"

BEAT opposes the extension of the Access and Utility Easement over "Lot 1". This is a sensitive area that is in rare species habitat. Utility easements typically have high numbers of invasive species and illegal trespass such as by Off Road Vehicles. Access should be from the Phase II side and kept as far away from wetlands and rivers as possible. There should be a prohibition on any development of "Lot 1" - in fact, it should have a Conservation Restriction as well, but prohibiting any motorized activity including logging.

Conservation Restriction:

BEAT applauds the slight increase in acreage for the Conservation Restriction area (CR). However, we believe it is very important that the restriction be put in place BEFORE any more work is done. In addition, the entire acreage that will not be used for Phase II should be put in the CR if it has not already been included.

BEAT does not believe the CR is sufficiently worded to protect the rare species habitat.

1. The CR should not be for the developer to make more money from timber harvesting. The CR should be to compensate for the habitat destruction that this development will cause. Any proceeds from the timber harvesting should accrue to the holder of the CR to pay for their monitoring of the CR and any measures that need to be taken to improve or maintain the habitat for the rare species.
2. All timber harvesting should be done to ensure no harm to the rare species or their habitat. Is clear cutting and even age management congruent with this rare species preferred habitat? Shouldn't there be consideration of the shrub layer to provide specific food elements? The CR should explicitly protect rare species habitat first and foremost. Productive timber management should be a secondary consideration.

3. **All outstanding resource waters within the project site should be surveyed in the spring before any cutting is allowed. Vernal pools should be mapped and certified with a copy sent to the CR holder BEFORE any cutting is allowed. This should be written into the CR and any violation of cutting before these pools are mapped and certified should be strictly prohibited with stiff penalties imposed for violations.**
4. Herbicides and pesticides should be much more severely restricted. The CR should spell out that herbicides and pesticides are expressly prohibited, except when applied by a licensed professional by the cut and drip method, or - with the approval of Natural Heritage and Endangered Species Program - on a case by case basis.
5. BEAT questions the paragraph in the CR document about "Aesthetic Resources". Too many people who grew up in the city see natural woods as "messy" and want to remove all understory. This is not environmentally sound. The woods should be managed for the rare species, with forestry and non-motorized recreation allowed **secondary to protecting the rare species.**
6. There should be no easement through the CR.. No pipes, wires, etc. Utility easements typically have high numbers of invasive species and illegal trespass such as by Off Road Vehicles.

Thank you for considering our comments.

Sincerely,

Jane Winn
Executive Director