

# Berkshire Regional Planning Commission Clearinghouse Review Report

Clearinghouse Committee Approved  
November 28, 2007

**SUBJECT:** YMCA Camp Hi-Rock Driveway  
**EEA#:** 14128  
**LOCATION:** Mount Washington  
**ESTIMATED COST:** \$1 million  
**REVIEW TYPE:** ENF  
**PROPONENT:** Central Connecticut Coast YMCA  
**COMMENTS DUE:** December 3, 2007

## **PROJECT DESCRIPTION:**

The proposed project involves the construction of a new access driveway for YMCA Camp Hi-Rock in Mount Washington. The camp has been in operation for over fifty years. The historical and only means of access to the camp was on a private way over which the YMCA held only a revocable license. The right to use that way was revoked. In 2004, the YMCA sold approximately 1,000 acres of land to the Nature Conservancy (TNC) and took back a long term lease of 177 acres. TNC has placed 655 acres of land under a conservation restriction. The proposed driveway is located within the TNC conservation land.

The project requires the following permits or approvals from Commonwealth agencies:

- 1) Natural Heritage & Endangered Species Program (NHESP) Conservation and Management Permit; and
- 2) Department of Environmental Protection Enforcement Consent Agreement.

The Mount Washington Conservation Commission issued an Order of Conditions for the project in August 2002 and the proposed driveway was cleared. After the clearing began, abutters to the project objected to a stream crossing near the project. In addition, an intermittent stream was accidentally destroyed during the clearing process. The YMCA agreed to negotiate a change in the layout with the abutters, land owners, and the Town of Mount Washington for a slightly different route for the beginning of the driveway off of East Street. The currently proposed route now avoids crossing the stream.

The project has met the review thresholds for an ENF for rare species, and Area of Critical Environmental Concern (ACEC). The driveway is located partially within the Schenob Brook ACEC. In addition, the majority of the site is located within Priority Habitat of Rare Species. The Natural Heritage & Endangered Species Program (NHESP) of the MA Division of Fisheries & Wildlife have expressed concern that the proposed project will result in a "take" of rare sensitive species. The NHESP has determined that this project will require review and permitting under the Massachusetts Endangered Species Act (MESA).

## **CONSIDERATIONS AND POTENTIAL ISSUES:**

### Area of Critical Environmental Concern (ACEC)

According to the ENF, the original 2002 layout of the driveway was outlined on the USGS Bashbish Quadrangle and indicated that the proposed driveway would not cross the ACEC. When the cutting was completed for the original layout, a 1,000 linear foot section crossed into the ACEC.

The ENF states that the project would involve a total of 2,608 sf of permanent impacts to bordering vegetated wetlands (BVW). It is unclear whether these impacts are located within the ACEC. The project consultant, New England Environmental Inc., indicated that the permanent BVW impacts did

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include areas within the ACEC. The project was not originally filed as a limited project. Within an ACEC, potential projects are prohibited from creating the loss of any BVW (310 CMR 10.55(4)(e)1) unless filed as a limited project. It is unclear at this time whether this issue can be addressed through the Enforcement Consent Agreement and the ACEC Program has expressed concern.

### Rare Species Habitat

The project will impact slightly less than 5 acres of Estimated Habitat. The rare species known to occur within the Estimated Habitat is a data sensitive species. This project will result in a take of rare species. It is expected that the project will be reviewed in its entirety and that no phase of the project will be allowed to begin without an approved Conservation and Management Permit from the NHESP. The project consultant has confirmed that the proponent is working with the NHESP. Mitigation measures that are under consideration include the permanent protection of additional land within Estimated Habitat or a comprehensive species study in the surrounding area.

### **COMMENTS AND RECOMMENDATIONS:**

Based on a review of the ENF, this project does not meet any of the mandatory review thresholds requiring submittal of an EIR. The ENF lacked a significant amount of information related to wetland impacts, stormwater impacts, and related impacts to the Schenob Brook ACEC. Based on all of the information provided, we have the following comments and recommendations:

1. Considerably enhanced efforts at erosion control and establishment of firm limits of construction activities are needed. It is recommended that an erosion and sediment control plan be established and frequently monitored during all phases of construction to insure that the erosion control devices function properly. The appropriate conditions can be required through the Enforcement Consent Agreement which is more appropriate than through the MEPA process.
2. Given the sensitive nature of the Schenob Brook ACEC, Priority Habitat for Rare Species, and proximity of construction to wetland resource areas, extreme care to not introduce invasive species is critical. Since hay bales frequently contain seed stock from invasive plants, the proponent should consider using an alternative method of silt-fencing and straw-baling to reduce the risk of the inadvertent introduction of invasive species. Alternatives include straw bales in place of hay bales or double silt fences, silt socks, or coconut fiber material which can be staked like a silt fence and obviates the need for haybales. These products are available from a variety of manufacturers. Similarly, all fill material should be carefully selected to protect against the introduction of invasive species.
3. Wetland Order of Compliance should not be issued until the silt fence has been removed from the site once the site has been permanently stabilized through establishment of appropriate vegetation or other approved measures. This is to prevent the plastic fencing from breaking down into small fragments, which can then be dispersed into the environment.
4. Again, given the sensitive nature of the Schenob Brook ACEC, careful management of refueling, and servicing of construction equipment and the consideration of the use of biodegradable plant-based hydraulic fluids is warranted.
5. If this project results in a "take" of rare or endangered species it would require a permit under MESA. NHESP should require the proponent to develop a Conservation and Management Plan that meets the terms of the permit. This project will alter approximately 5 acres of rare species habitat and will result in the take of rare species. Care should be taken to limit development expense, and to work within the environmental windows prescribed by NHESP. It is

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recommended that the YMCA commit to procuring a comprehensive rare species study for the area. The proponent should continue to work closely with NHESP throughout the MEPA and MESA process and abide by their recommendations.

These comments were approved by the BRPC Executive Committee on December 5, 2007.