



# BRPC

Berkshire Regional Planning Commission

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[berkshireplanning.org](http://berkshireplanning.org)

## MEETING NOTICE

There will be a Meeting of the EXECUTIVE COMMITTEE  
of the

BERKSHIRE REGIONAL PLANNING COMMISSION

Thursday, June 20, 2024 at **4:00 p.m.**

This will be a virtual meeting as allowed by Ch. 2 of the Acts of 2023 extending certain provisions of the Open Meeting Law, G.L. c.30 sec.20 until March 31, 2025.

To participate virtually join the Zoom meeting at

<https://us02web.zoom.us/j/3926128831?omn=83878864489>

Meeting id: 392 612 8831, Phone: 646.558.8656, 646 931 3860, 312.626.6799, 301 715 8592

**Meeting materials are on BRPC's website: [www.berkshireplanning.org](http://www.berkshireplanning.org).** Click the calendar of events, then the meeting name, and follow the link to materials.

### AGENDA

(all times approximate)

- I. Call to Order & Open Meeting Law Statement (4:00)
- II. Roll Call of Executive Committee Members Attending the Meeting
- III. Vote to Approve Minutes of the Executive Committee Meeting of June 6, 2024\* (4.05)
- IV. Review of Open Meeting Law Complaint Filed by Catherine Foster on June 6, 2024 regarding the Executive Committee's June 6, 2024 Meeting (4.10)
- V. Vote to Delegate the Responsibility to Respond to the Open Meeting Law Complaint Filed by Catherine Foster on June 6, 2024 to Counsel and the Executive Director\* (4.15)
- VI. Items Requiring Action\* (4:20)
  - A. Vote to Approve the Submission of Four Grant Applications to the Planning Assistance Grant Program with the Massachusetts Executive Office of Energy and Environmental Affairs (EEA). The four applications are :
    - Town of Great Barrington Open Space and Recreation Plan – estimated amount \$37,500
    - Town of Lee Downtown and Housing Zoning Project - estimated amount \$41,250
    - City of Pittsfield Open Space and Recreation Plan– estimated amount \$41,250
    - Town of Sheffield Zoning and Housing Advocacy – estimated amount \$33,750
  - B. Discussion and Vote to Ratify Comments to the Massachusetts Environmental Policy Act Office on the Expanded Environmental Notification Form (EENF) for the City of North Adams Mount Williams Reservoir Dam and Notch Reservoir Dam Improvements Prepared by the BRPC environmental Review Committee\*
  - C. Discussion and Vote to Submit Comments on the US Department of Energy (DOE) process for "National Interest Electric Transmission Corridor" (NIETC) designation and the proposed designation of the corridor that extends into New York state and

***City and Town Clerks: Please post this notice pursuant to the Open Meeting Law, MGL c. 30A, §§ 18-25.***

#### Please Note:

For information regarding postponements or cancellations on the day of a scheduled meeting, please call Berkshire Regional Planning Commission at (413) 442-1521, x5

traverses Windsor, Peru, Hinsdale, Dalton, Cheshire, Lanesborough, and Hancock in Berkshire County and before crossing into Franklin County\*

VII. Adjournment

(5:00)

BRPC has adopted the BRPC website [www.berkshireplanning.org](http://www.berkshireplanning.org) as its official posting method as allowed by 940 CMR29.00 section 29.03 (3) (b). The Meeting Notice, Agenda and meeting materials are on BRPC's website: [www.berkshireplanning.org](http://www.berkshireplanning.org). Click the calendar of events, then the meeting name, and follow the link to materials.

\* Items Requiring Action



**DRAFT** Executive Committee Minutes  
Thursday, June 6, 2024

Virtual meeting as allowed by Ch. 2 of the Acts of 2023 extending certain provisions of the Open Meeting Law, G.L. c.30 sec.20 until March 31, 2025.

## **I. Call to Order & Open Meeting Law Statement**

Chair Malcolm Fick called the meeting to order at 4:01 p.m. as a virtual meeting as allowed by Ch. 2 of the Acts of 2023 extending certain provisions of the Open Meeting Law, G.L. c.30 sec.20 until March 31, 2025. He stated that BRPC was recording the meeting, and anyone else who wanted to record it needed to inform him.

## **II. Roll Call:**

Read by Clerk

Malcolm Fick, Chair, Gt Barrington Alternate

Buck Donovan, Treasurer, Lee Delegate

Sheila Irvin, Clerk, Pittsfield Delegate

Doug McNally, Commission Development Committee, Chair, Windsor Delegate

Roger Bolton, Environmental Review Committee Chair, Williamstown Alternate

Christine Rasmussen, Regional Issues Committee Chair, Stockbridge Alternate

Sam Haupt, At-Large, Peru Delegate

Others: Cory Campbell, Windsor Alternate, left early

Staff Present: Thomas Matuszko, Executive Director; Marianne Snizek, Office Manager; Laura Brennan, Assistant Director, and Economic Development Program Manager; Aaron Holman-Vittone, Public Health Planner

## **III. Approval of May 2, 2024 Minutes**

Doug McNally moved to approve the May 2, 2024, meeting minutes with Sheila Irvin's amendment that she was present for affirmative votes on the Actions under section VI. The motion was seconded by Roger Bolton and approved by a roll call vote from Malcolm Fick, Buck Donovan, Sheila Irvin, Doug McNally, Roger Bolton, Christine Rasmussen, and Sam Haupt.

## **Staff Updates**

Recent hire Aaron Holman-Vittone, Public Health Planner and Epidemiologist, was introduced. He is collecting and analyzing data.

## **IV. Financial Reports**

### **A. April 26 – May 30, 2024 Expenditures Report**

Tom confirmed that the large \$700,000 check came out of the checking

account to the Eagle Mill project. The funds were from the EPA Brownfields Revolving Loan Fund (RLF), drawn down as needed and briefly passed through the checking account. There is a five-day limit.

The RLF is not invested. Program income is kept to a minimum in a non-interest account; this improves our eligibility for new grants.

Sam Haupt moved to accept the report, and Doug McNally seconded the motion. It was approved by a roll call vote from Malcolm Fick, Sheila Irvin, Buck Donovan, Doug McNally, Roger Bolton, Christine Rasmussen, and Sam Haupt.

**B. Accounts Receivable / Assessments Report April 2024**

Tom noted the item in blue was invoiced for \$45,000, and a \$10,000 payment was made, so we are following up.

**C. Line of Credit Report**

It has not been used.

**D. EPA's Limited Scope Review**

An EPA review of several contracts is underway. A letter in the packet explains that BRPC was selected at random.

**V. Comments from Berkshire Regional Planning Commission Delegates and Alternate Delegates**

Roger Bolton said he appreciated the 5<sup>th</sup> Thursday Microtransit.

**VI. Items Requiring Action**

**A. Vote to Approve (After the Fact) the Submission of a Grant Application to the Massachusetts Department of Environmental Protection Section 319 Nonpoint Source Pollution Competitive Grant Program**

The Executive Committee was requested to approve submitting a grant application for \$63,824 to the Massachusetts Department of Environmental Protection Section 319 Nonpoint Source Pollution Competitive Grant Program for a rain garden installation at the George B. Crane Memorial Center.

The Crane recovery center is in the Westside neighborhood of Pittsfield and is a Grey to Green partner. This project was developed under BRPC's current s.319 Nonpoint Source Regional Coordinator grant, which requires a deliverable of four 319 grant applications as part of the deliverables.

The project would pay for BRPC to hire a consultant to design and install a rain garden that manages stormwater. Energy & Environment Program Principal Planner, [Courteny Morehouse](#), and Planner, [Britney Danials](#), would assist with grant administration and outreach. It is anticipated to be a 1-year project from January 2025 to January 2026. There is no match requirement.

Doug McNally motioned to approve submission of a grant application to the Massachusetts Department of Environmental Protection Section 319 Nonpoint Source Pollution Competitive Grant Program for \$63,824 for a rain garden installation at the George B. Crane Memorial Center. Roger Bolton seconded it. A roll vote was approved by Malcolm Fick, Buck Donovan, Sheila Irvin, Doug McNally, Roger Bolton, Christine Rasmussen, and Sam Haupt.

**B. Vote to Re-appoint Members to Special or Standing Committees or Commissions not Under the Jurisdiction of the Commission**

The Executive Committee was requested to re-appoint members to Special or Standing Committees or Commissions not Under the Jurisdiction of the Commission. The bylaws allow the Executive Committee to annually re-appoint members to committees, commissions or the like not under the jurisdiction of the Commission after the initial appointment, subject to ratification by the full Commission at its next meeting.

The Executive Committee was requested to re-appoint:

- Westfield River Wild and Scenic – Doug McNally
- Woodlands Partnership of Northwest Massachusetts - Chris Cozzaglio
- MPO Alternate - Sam Haupt

Sam Haupt motioned to re-appoint the proposed Members to Special or Standing Committees or Commissions not Under the Jurisdiction of the Commission: Westfield River Wild and Scenic, Doug McNally; Woodlands Partnership of Northwest Massachusetts, Chris Cozzaglio; MPO Alternate, Sam Haupt. Christine Rasmussen seconded it. A roll vote was approved by Malcolm Fick, Buck Donovan, Sheila Irvin, Doug McNally, Roger Bolton, Christine Rasmussen, and Sam Haupt.

**C. Vote to Approve Amendments to BRPC's Professional Development Program**

The Executive Committee was requested to approve amendments to BRPC's Professional Development Program as discussed at the previous meeting. The Program is intended to provide the opportunity for staff to maintain, enhance or expand their professional skill set and knowledge and to obtain related professional certifications or degrees which demonstrate achievement and maintenance of professional status. Participation is not mandatory and is subject to approval by the Executive Director. Participants must agree to repay BRPC 100% (direct and salary costs) if they leave prior to one year after completing the Program, or they do not complete the Program. If an employee leaves prior to two years after completing the Program, they are responsible for reimbursing BRPC 50% of the direct and salary costs. The Executive Director has the discretion to adjust the policy if needed.

Roger Bolton motioned to approve amendments to BRPC's Professional Development Program expanding eligibility and requiring repayment if Programs are not completed or employees leave prior to two years after completion. Sam Haupt seconded it. A roll vote was approved by Malcolm Fick, Buck Donovan, Sheila Irvin, Doug McNally, Roger Bolton, Christine

Rasmussen, and Sam Haupt.

**D. Vote to Approve Revisions to BRPC's Telework Policy**

The Executive Committee was requested to approve a one year extension to BRPC's Telework Policy. It was originally adopted as a trial in response to the COVID pandemic.

Doug McNally motioned to approve extending BRPC's Telework Policy for another fiscal year. Sam Haupt seconded it. A roll call vote was approved by Malcolm Fick, Buck Donovan, Sheila Irvin, Doug McNally, Roger Bolton, Christine Rasmussen, and Sam Haupt.

**E. Vote to Authorize the Environmental Review Committee to submit Comments to the Massachusetts Environmental Policy Act Office the City of North Adams Department of Public Services Expanded Environmental Notification Form (EENF) for the Mount Williams Reservoir Dam and Notch Reservoir Dam Improvements Projects.**

The Executive Committee was requested to authorize the Environmental Review Committee to submit Comments to the Massachusetts Environmental Policy Act Office the City of North Adams Department of Public Services Expanded Environmental Notification Form (EENF) for the Mount Williams Reservoir Dam and Notch Reservoir Dam Improvements Projects. These provide water for Adams.

Comments are due June 20, 2024, before the next regularly scheduled Executive Committee meeting.

Roger Bolton motioned to authorize the Environmental Review Committee to submit Comments to the Massachusetts Environmental Policy Act Office the City of North Adams Department of Public Services Expanded Environmental Notification Form (EENF) for the Mount Williams Reservoir Dam and Notch Reservoir Dam Improvements Projects. Doug McNally seconded it. A roll call vote was approved by Malcolm Fick, Buck Donovan, Sheila Irvin, Doug McNally, Roger Bolton, Christine Rasmussen, and Sam Haupt.

**VII. Committee Reports and Discussion**

**A. Comprehensive Economic Development Strategy Committee**

The CEDS Committee met on May 8, 2024 and discussed the Year 1 PPR report to EDA including SWOT analysis changes, potential additions and removals to 2024 Priority Projects, next steps for the 2024 report and potential topics and speakers for meeting. The next meeting is to be determined. Draft unapproved minutes are in the meeting materials.

**B. Transportation Advisory Committee**

The TAC met on May 21, 2024. The 2025-2029 Transportation Improvement Plan (TIP) was reviewed and recommended for approval by the MPO. Planning Studies/Initiatives and proposed budget for the 2025 UPWP were discussed and a recommendation that the MPO initiate a 21 day

comment period. There was also a presentation on Berkshire County bridges. Asking MassDOT for an overlay on East St. project. Encouraged by the evolution of West East Rail to Compass Rail as presented at the Commission meeting. The next meeting date is to be determined. Draft unapproved minutes were in the meeting materials.

### **C. Regional Issues Committee**

The Regional Issues Committee met on May 22, 2024. Topics were a review of the Affordable Homes Act and Priorities, input on the statewide Housing Plan, an update on Municipal Sustainability discussions. "Seasonal Communities" designation may be part of new legislation and the committee recommends all of the Berkshires gets this designation. Tentative next meeting: June 26. Minutes were not yet available.

### **D. Metropolitan Planning Organization (MPO)**

The MPO met on May 28, 2024. The 2025 – 2029 Transportation Improvement Program (TIP) was approved and a 21-day public comment period authorized for Unified Planning Work Program (UPWP). There was a presentation on the SS4A High Injury Network and Risk Based Analysis. A dashboard with the data will be available soon. The next meeting is June 25. Draft unapproved minutes were in the meeting materials.

## **VIII. Executive Director's Report**

### **A. Report on New Contracts/Agreements**

New Grants and Contracts received/initiated from 04/26/2024 to 05/30/2024.

- Great Barrington - Economic Development Planning - \$20,000
- Western MA Public Health Association - Coalition for Public Health - \$11,500
- New England AIDS Education & Training Center - Community Research Initiative - \$3,000
- Department of Public Health - Shared Services - \$3,196,200.30
- Age Span - Accelerating Age- and Dementia-Friendly Diversity, Equity, and Inclusion Work - \$25,000
- Briggsville Water District - Municipal Vulnerability Preparedness - \$14,650
- Massachusetts Department of Transportation, Rail & Transit Division - Berkshire Flyer Last Mile Transportation - \$20,000
- Adams – Economic Development Planning - \$5,000
- Department of Public Health - Local Health Support Covid-19 Contact Tracing - \$235,000
- Massachusetts Technology Collaborative - Municipal Digital Equity Planning Services – Clarksburg - \$33,677.14
- Massachusetts Technology Collaborative - Municipal Digital Equity Planning Services – Otis, Windsor, Washington, Becket - \$47,963.04
- Berkshire Public Health Alliance – Inspection Services FY25:
  - Becket - \$32,745
  - Egremont - \$12,317

- Lanesborough - \$34,965
- Peru - \$9,702
- Washington - \$4,725

Grants and Contracts not received.

BRPC did not receive the contract to work on the Broadband Equity Access and Deployment (BEAD) Program.

**B. Berkshires Tomorrow Inc. (BTI) Update**

The BTI board approved submission of an application to the Executive Office of Energy and Environmental Affairs (EOEEA) under the Woodlands Partnership Implementation Grant program for "Phase 2" improvements to the [www.berkshiresoutside.org](http://www.berkshiresoutside.org) website. The grant application is for \$75,000. BTI will subcontract with BRPC and charge a 2% administrative fee.

**C. Staff Updates**

- Recent Hires:
  - Aaron Holman-Vittone, Public Health Planner (Epidemiologist)
- Interns:
  - BCC Extern (Sonia Berroa) – Shadowing Public Health Inspectors
- Open Positions:
  - Public Health Community Social Worker

**D. Rural Policy Advisory Commission (RPAC) Update**

The Rural Policy Advisory Commission met on May 31, 2024. The main topics were the proposed energy siting legislation and MassDOT's Mass Mobility report and rural communities.

**E. Passenger Rail**

- West-East Rail – No known activity over the past month.
- Berkshire Flyer – Preparations continue for the third season of the Berkshire Flyer service, which provides weekend passenger rail service between New York City and Pittsfield from June 21, 2024 through Monday September 2, 2024. An additional train will run from New York City to Pittsfield on Sunday.
- Northern Tier Passenger Rail – No known activity over the past month.

**F. 5th Thursday, May 30, 4:00 – 6:00 p.m.: Microtransit**

BRPC's 5th Thursday was held on May 30th at Mazzeo's Ristorante in Pittsfield. The topic of Microtransit was well received by the ±40 attendees. Thanks go to Megan Rhodes from the Franklin Regional Council of Governments and Tate Coleman from the TriTown Connector.

**G. Beyond Mobility Plan Public Comments**

Comments about Beyond Mobility, MassDOT's long range transportation plan, Beyond Mobility ([arcgis.com](http://arcgis.com)) were included in the meeting material.



## **H. Brownfields Awards**

EPA awarded the following grants to:

- BRPC - \$3.5million to re-capitalize the Berkshire Brownfield Revolving Loan Fund (RLF) in addition to the \$7,600,000 in EPA funds already awarded. BRPC was selected because it has a high-performing RLF program with significantly depleted funds. The RLF program has led to twelve projects that are either completed or in progress.
- North Adams - \$1.9 million to clean up the former Tannery Dump on Ashton Avenue. The site contains a 1.5-acre, 10-foot-high mound of leather scraps that abuts the Hoosic River and is contaminated with heavy metals. Extreme storms have exposed the layers of leather on the riverbank.
- Greylock Works (Flume) - \$1.863 million to clean up the Greylock Flume property at 510 State Road in North Adams. The 7.8-acre cleanup site was a textile mill that housed ten above-ground storage tanks and thirty dip tank drums. It is contaminated with sulfuric acids, phosphoric acid, sodium hydroxide, nitric acid, metals, PCBs, and inorganic contaminants.

Melissa Provencher was especially commended for her fine work managing the Berkshire Brownfields Program

## **I. State Retirement Legislation**

As reported at the previous meeting, the RPA bills, H. 2426 and S. 1682 (An Act Relative to Regional Planning Agencies) have been reported out of Committee but there is no indication when they will be voted on by the legislature.

## **IX. Old Business**

### **A. Discussion about Annual Meeting**

The Commission Development Committee recommends an in-person Annual Meeting combined with a Commission meeting that starts at 4:00 p.m. The attendance at the recent 5<sup>th</sup> Thursday on Microtransit was encouraging.

## **X. New Business**

### **A. National Interest Electric Transmission Corridor (NIETC) proposal**

The US Department of Energy is proposing a new designation process called "National Interest Electric Transmission Corridor" (NIETC). The designation is for select transmission line corridors across the country in need of greater grid capacity. One of the proposed NIETCs is the New York-New England corridor. The public comment period ends Monday, June 24 at 5 p.m. Main points to consider.

- NIETC designation has the corridor as being 1-mile wide along the existing transmission route.
- If the corridor receives this designation, it appears that DOE/Federal level decision makers will have the final say on what is permitted. While the state could deny a transmission project within the corridor, the DOE could then override that decision.

- It seems that the benefit to obtaining the NIETC designation is that the corridors will be eligible for a significant pot of funding from the IRA/other Federal sources.
- The DOE is requesting letters that would cover a couple of considerations, including potential impacts on environmental, community, and other resources within the potential NIETCs. Info: <https://www.energy.gov/gdo/national-interest-electric-transmission-corridor-designation-process>
- The only mention of NIETC on the Mass.gov website, is in the [Clean Energy Transmission Working Group's Report to the Legislature](#) from December 2023. On page 56 of the PDF discusses siting and permitting authority that says the facility siting and permitting largely rests with the states, except for in DOE designated NIETCs, then FERC has the authority to issue a permit if a state has denied one.

\*The "New York – New England Corridor" goes along an existing transmission line from the Northfield Mountain hydropower facility in Erving, west through Franklin County, into Plainfield in Hampshire County, into Dalton & northern Berkshire County, and into NY state.

Concerns were expressed about serious environmental impacts and lack of financial benefits in terms of lower cost energy. Tom has reached out to other affected RPAs and Anne Gobi to coordinate a western Mass response. He has also reached out to the primary person at the Department of Energy. The BRPC Environmental Review Committee may be asked to participate and have a joint meeting with the Executive Committee on June 20<sup>th</sup>.

#### **B. Vote to Approve the FY 25 BRPC Meeting Schedule**

The Executive Committee was requested to vote to set the meeting schedule for Executive Committee and Full Commission meetings for FY 25. A few items of note: the July Executive Committee meeting is moved from Thursday July 4<sup>th</sup> to Tuesday July 2<sup>nd</sup>, due to the July 4<sup>th</sup> holiday; there will be one summer Full Commission meeting on Thursday August 1, 2024; the September Executive Committee meeting would be pushed back from its normal 1<sup>st</sup> Thursday of the month to the second Thursday, September 12, 2024; and we are considering a brief Full Commission meeting on the same night, September 25. October 3<sup>rd</sup> is the normal date for the October Executive Committee meeting. The Executive Committee also wants to move the October 3<sup>rd</sup> meeting to the 10<sup>th</sup> since it conflicts with Rosh Hashana.

Doug McNally motioned to approve July 2 as the first Executive Committee meeting of FY 25 and table the remaining dates until the next Executive Committee meeting. Sam Haupt seconded it. A roll vote was approved by Malcolm Fick, Buck Donovan, Sheila Irvin, Doug McNally, Roger Bolton, Christine Rasmussen, and Sam Haupt.

#### **C. Environmental Review Committee Procedures**

The Environmental Review Committee has updated its written procedures, a copy of which was in the meeting material.

#### **D. Kusik Award**

The Kusik Award has been given annually since 1996 to projects, groups, or individuals who have made outstanding contributions to planning in Berkshire County. A solicitation for nominations will be sent to Delegates and Alternates.

#### **E. BRPC Meeting Recordings**

The Open Meeting Law allows for recordings of meetings to be deleted once the minutes have been approved. Prior to COVID and the use of Zoom, BRPC made audio recordings of the meetings, which were deleted on a regular basis after the minutes were approved. BRPC staff have not been as diligent about deleting Zoom recordings of meetings since COVID and the extensive use of virtual meetings.

We are moving our backup storage to the Cloud. These Zoom recordings take up significant space and incur costs. The cost to store our backups on the cloud is based on volume. BRPC's attorney has indicated we may delete these recordings but recommended BRPC adopt a policy to establish a uniform practice. Tom will present a policy for the Executive Committee for approval. We need to be more diligent about who is recording meetings and keeping a record of that. An Open Meeting complaint was received during this meeting.

#### **XI. Adjournment**

Doug McNally motioned to adjourn the meeting at 5:31 p.m., seconded by Roger Bolton, and unanimously approved by a roll call vote: Malcolm Fick, Sheila Irvin, Buck Donovan, Doug McNally, Christine Rasmussen, and Sam Haupt.

#### **Material accompanying the meeting:**

- Unapproved Minutes of the May 2, 2024, BRPC Executive Committee Meeting
- April 25 to May 30, 2024 Expenditures Report
- Accounts Receivable Report – May 2024
- Line of Credit Report
- Notification of Limited Scope Review
- Executive Director's Memorandum
- Draft – Professional Development Program
- Proposed – Telework Policy Amendment
- Unapproved Minutes of the May 8, 2024 Comprehensive Economic Development Strategy Committee Meeting
- Unapproved Minutes of the May 21, 2024 Transportation Advisory Committee Meeting
- Unapproved Minutes of the May 28, 2024 2024 Metropolitan Planning Organization Meeting
- Beyond Mobility Plan Comments
- NEITC Press Release

- Potential NIETC Geographic Area New England
- Proposed SCHEDULE OF MEETINGS FY2025April 2024 Technical Assistance Memo
- Kusik Award Awardees List
- Technical Assistance Memo April 2024



# BRPC

Berkshire Regional Planning Commission

MALCOLM FICK, Chair  
JOHN DUVAL, Vice-Chair  
SHEILA IRVIN, Clerk  
BUCK DONOVAN, Treasurer  
THOMAS MATUSZKO, A.I.C.P.  
Executive Director

## MEMORANDUM

TO: Executive Committee, Berkshire Regional Planning Commission

FROM: Thomas Matuszko, Executive Director

DATE: June 17, 2024

SUBJ: Agenda Items – June 20, 2024, Executive Committee Meeting

This memorandum contains an explanation of some of the items that will be discussed and possibly voted on at the upcoming BRPC Executive Committee meeting.

### **IV. Review of Open Meeting Law Complaint Filed by Catherine Foster on June 6, 2024 regarding the Executive Committee's June 6, 2024 Meeting**

Enclosed with this meeting material is the Open Meeting Law Complaint the Executive Committee received about its June 6, 2024 meeting from Catherine Foster. According to the Open Meeting Law Guide and Education Materials, December 2023, *"Upon receipt, the chair of the public body should distribute copies of the complaint to the members of the public body for their review. The public body has 14 business days from the date of receipt to meet to review the complainant's allegations, take remedial action if appropriate, notify the complainant of the remedial action, and forward a copy of the complaint and description of the remedial action taken to the complainant."* The Chair has authorized me to distribute the Complaint to Executive Committee members. The Executive Committee needs to review the complaint at the meeting.

### **V. Vote to Delegate the Responsibility to Respond to the Open Meeting Law Complaint Filed by Catherine Foster on June 6, 2024 to Counsel and the Executive Director\***

According to the Open Meeting Law Guide and Education Materials, December 2023, *"While the public body may delegate responsibility for responding to the complaint to counsel or another individual, it must first meet to do so."* I recommend that the Executive Committee vote to

delegate the response to the Open Meeting Law Complaint filed by Catherine Foster on June 6, 2024 to the BRPC Executive Director and Counsel. Enclosed with this meeting material is a draft Response to Open Meeting Law Complaint Filed on June 6, 2024.

## **VI. Items Requiring Action**

### **A. Vote to Approve the Submission of Four Grant Applications to the Planning Assistance Grant Program with the Massachusetts Executive Office of Energy and Environmental Affairs (EEA)\***

The Executive Committee is requested to authorize the Executive Director to submit four grant applications and to sign any resulting contracts and agreements to the Executive Office of Energy and Environmental Affairs FY2025 Planning Assistance Grant Program. The applications are as follows:

- 1) Town of Great Barrington Open Space and Recreation Plan – this application seeks \$37,500 to develop a town-wide Open Space and Recreation Plan. The requisite matching funds will be provided by the District Local Technical Assistance program.
- 2) Town of Lee Downtown and Housing Zoning – this application seeks \$41,250 to assess alternatives and implement new zoning in the town's downtown area, while also focusing on creating new housing opportunities. The requisite matching funds will be provided by the District Local Technical Assistance program.
- 3) City of Pittsfield Open Space and Recreation Plan– this application seeks \$41,250 to develop a city-wide Open Space and Recreation Plan. The requisite matching funds will be provided by the District Local Technical Assistance program.
- 4) Town of Sheffield Zoning and Housing Advocacy – this application seeks \$33,750 to develop housing focused zoning changes, promote housing advocacy, and develop greater understanding of potential methods for increasing housing diversity, especially in the town center.

Community Planning Program Manager CJ Hoss,  
choss@berkshireplanning.org is project lead.

### **B. Discussion and Vote to Ratify Comments to the Massachusetts Environmental Policy Act Office on the Expanded Environmental Notification Form (EENF) for the City of North Adams Mount Williams Reservoir Dam and Notch Reservoir Dam Improvements Prepared by the BRPC environmental Review Committee\***

The City of North Adams, Department of Public Services, has submitted an Expanded Environmental Notification Form (EENF) to the Massachusetts Environmental Policy Act (MEPA) office for improvements to the aging Mount

Williams Reservoir and Notch Reservoir dams and spillway and ancillary dam features. Comments are due before June 21, 2024. At the June 6, 2024 BRPC Executive Committee meeting, the Committee authorized the BRPC Environmental Review Committee to submit comments on behalf of the Commission because at that time the Executive Committee did not plan to meet prior to June 21, 2024. Since the Executive Committee is meeting the opportunity does exist to ratify comments of the Environmental Review Committee. The Environmental Review Committee meets at 4:00 pm on Monday June 17, 2024 to consider comments. A draft copy of the Environmental Review Report is included with this Memorandum.

**C. Discussion and Vote to Submit Comments on the US Department of Energy (DOE) process for “National Interest Electric Transmission Corridor” (NIETC) designation and the proposed designation of the corridor that extends into New York state and traverses Windsor, Peru, Hinsdale, Dalton, Cheshire, Lanesborough, and Hancock in Berkshire County and before crossing into Franklin County\***

The US Department of Energy has a designation process called “National Interest Electric Transmission Corridor” (NIETC). The designation is for certain transmission line corridors across the country that are in need of greater grid capacity. One of the proposed NIETCs is the New York-New England corridor.

The designation is a 4 phase process. Phase 1 was completed December 2023 with DOE releasing the US DOE 2023 National Transmission Needs Study. The process currently is in Phase 2, which includes publishing the preliminary list of corridors for potential NIETC designation, and providing the opportunity to comment on this list in advance of Phase 3. The next phase, Phase 3: Public Engagement, is described to further refine the geographic boundaries of potential NIETCs and conduct environment reviews, which is proposed to happen in Fall 2024 and led by DOE.

There is a public comment period on Phase 2 ending on Monday, June 24 at 5 pm about this designation. Among other items DOE is seeking comments on the geographic boundaries of the potential NIETCs and potential impacts on environmental, community, and other resources within the potential NIETCs.

An initial draft of a comment letter is included with this material.

**Additional Material:**

- Unapproved Minutes of the June 6, 2024 Executive Committee meeting

- Open Meeting Law Complaint form about June 6, 2024 Executive Committee meeting
- Draft Response to Open Meeting Law Complaint about the June 6, Executive Committee meeting
- Environmental Review Report - Mount Williams Reservoir Dam and Notch Reservoir Dam Improvements
- Initial Draft – Comments on proposed National Interest Electric Transmission Corridor - New York-New England corridor
- Memorandum - May 2024 Assistance Activities



## Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

On June 4, 2024 the Berkshire Regional Planning Commission violated Open Meeting Law by publishing an Agenda that is not as detailed as possible, and therefore failing to inform the public in a reasonable manner of the business to be considered by the body at the meeting:

Section VI. B is not sufficiently detailed, as it is not stated which members will be under consideration.

Section VI. C is not sufficiently detailed, as the amendments have not been made available to the public.

Section VI. D is not sufficiently detailed, as the revisions to the policy have not been made available to the public.

Although the agenda lists "attachments" for the meeting, these documents are not available to the public with the agenda.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

- 1) Amend the Agenda for the 6/6/24 meeting;
- 2) Acquire Open Meeting training as appropriate; and
- 3) Pledge to abide by the Open Meeting laws in the present and the future.

## Review, sign, and submit your complaint

### I. Disclosure of Your Complaint.

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

**Publication to Website.** As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

### II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

### III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: \_\_\_\_\_

*Cathryn Foster*

Date: \_\_\_\_\_

*6/5/24*

For Use By Public Body

Date Received by Public Body: \_\_\_\_\_

For Use By AGO

Date Received by AGO: \_\_\_\_\_



The Commonwealth of Massachusetts  
Office of the Attorney General  
One Ashburton Place  
Boston, Massachusetts 02108

## OPEN MEETING LAW COMPLAINT FORM

### Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

#### Instructions for filing a complaint:

- o Fill out the attached two-page form completely and sign it. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
  - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
  - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
  - o Complaints may be filed by mail, email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

#### Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address it. At the same time, the body must send the Attorney General a copy of the response. The public body may delegate this responsibility to its counsel or a staff member, but only after it has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

#### Once the public body has responded to the complaint:

- o If you are not satisfied with that the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, e-mail, or by hand, but only once you have waited for 30 days after filing the complaint with the public body.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by e-mail at [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).



## OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

### Your Contact Information:

First Name: Catherine Last Name: Foster

Address: 10a Murray Street

City: Adams State: MA Zip Code: 01220

Phone Number: 4132123131 Ext.

Email: galcath@gmail.com

Organization or Media Affiliation (if any): n/a

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☒ Individual ☐ Organization ☐ Media

### Public Body that is the subject of this complaint:

☐ City/Town ☐ County ☒ Regional/District ☐ State

Name of Public Body (including city/town, county or region, if applicable): Berkshire Regional Planning Commission

Specific person(s), if any, you allege committed the violation:

Date of alleged violation: 6/4/24



# BRPC

Berkshire Regional Planning Commission

1 Fenn Street, Suite 201  
Pittsfield, MA 01201  
T: (413) 442-1521 • F: (413) 442-1523  
TTY: 771 or (800) 439-2370  
berkshireplanning.org

RECEIVED-POSTED  
24 JUN -4 AM 8:18  
TOWN CLERK  
ADAMS MASS.

## MEETING NOTICE

There will be a meeting of the EXECUTIVE COMMITTEE  
of the  
BERKSHIRE REGIONAL PLANNING COMMISSION  
Thursday, June 6, 2024 at **4:00 p.m.**

This will be a virtual meeting as allowed by Ch. 2 of the Acts of 2023 extending certain provisions of the Open Meeting Law, G.L. c.30 sec.20 until March 31, 2025.

To participate virtually join the Zoom meeting at

<https://us02web.zoom.us/j/3926128831?omn=85272662165>

Meeting id: 392 612 8831, Phone: 646.558.8656, 646 931 3860, 312.626.6799, 301 715 8592

**Meeting materials are on BRPC's website: [www.berkshireplanning.org](http://www.berkshireplanning.org).** Click the calendar of events, then the meeting name, and follow the link to materials.

## AGENDA

(all times approximate)

- I. Call to Order & Open Meeting Law Statement (4:00)
- II. Roll Call of Executive Committee Members Attending the Meeting
- III. Vote to Approve Minutes of the Executive Committee Meeting of May 2, 2024\* (4:05)
- IV. Financial Reports (4:10)
  - A. Vote to Approve the April 26 – May 30, 2024, Expenditures Report\*
  - B. Report on the Accounts Receivable/ Assessments – May 2024
  - C. Report on the Line of Credit
  - D. Report on EPA's Limited Scope Review
- V. Comments from Berkshire Regional Planning Commission Delegates and Alternate Delegates (4:15)
- VI. Items Requiring Action\* (4:20)
  - A. Vote to Approve (After the Fact) the Submission of a Grant Application to the Massachusetts Department of Environmental Protection Section 319 Nonpoint Source Pollution Competitive Grant Program
  - B. Vote to Re-appoint Members to Special or Standing Committees or Commissions not Under the Jurisdiction of the Commission\*
  - C. Vote to Approve Amendments to BRPC's Professional Development Program\*
  - D. Vote to Approve Revisions to BRPC's Telework Policy\*
  - E. Vote to Authorize the Environmental Review Committee to submit Comments to the Massachusetts Environmental Policy Act Office the City of North Adams Department of Public Services Expanded Environmental Notification Form (EENF) for the Mount

*City and Town Clerks: Please post this notice pursuant to the Open Meeting Law, MGL c. 30A, §§ 18-25.*

### Please Note:

For information regarding postponements or cancellations on the day of a scheduled meeting, please call Berkshire Regional Planning Commission at (413) 442-1521, x5

Williams Reservoir Dam and Notch Reservoir Dam Improvements Projects.

- VII. Committee Reports and Discussion (4:50)
- A. Comprehensive Economic Development Strategy Committee
  - B. Transportation Advisory Committee
  - C. Regional Issues Committee
  - D. Metropolitan Planning Organization (MPO)
- VIII. Executive Director's Report (4:55)
- A. Report on New Contracts / Agreements
  - B. Berkshires Tomorrow Inc. (BTI) Update
  - C. Staff Updates
  - D. Rural Policy Advisory Commission (RPAC) Update
  - E. Passenger Rail
  - F. 5<sup>th</sup> Thursday Dinner
  - G. Beyond Mobility Plan Public Comments
  - H. Brownfields Awards
  - I. State Retirement Legislation
- IX. Old Business (5:00)
- A. Discussion about the Annual Meeting
- X. New Business (5:05)
- A. National Interest Electric Transmission Corridor (NIETC) proposal
  - B. Vote to Approve the FY 25 BRPC Meeting Schedule
  - C. Review and Discussion of Environmental Review Committee Procedures
  - D. Discussion of the Kusik Award
  - E. Discussion about BRPC Meeting Recordings
- XI. Adjournment (5:10)
- Attachments:
- Unapproved Minutes of the May 2, 2024, BRPC Executive Committee Meeting
  - April 25 to May 30, 2024 Expenditures Report
  - Accounts Receivable Report – May 2024
  - Line of Credit Report
  - Notification of Limited Scope Review
  - Executive Director's Memorandum
  - Draft – Professional Development Program
  - Proposed – Telework Policy Amendment
  - Unapproved Minutes of the May 8, 2024 Comprehensive Economic Development Strategy Committee Meeting
  - Unapproved Minutes of the May 21, 2024 Transportation Advisory Committee Meeting
  - Unapproved Minutes of the May 28, 2024 2024 Metropolitan Planning Organization Meeting
  - Beyond Mobility Plan Comments
  - NEITC Press Release
  - Potential NIETC Geographic Area New England
  - Proposed SCHEDULE OF MEETINGS FY2025April 2024 Technical Assistance Memo
  - Kusik Award Awardees List
  - Technical Assistance Memo April 2024

\* Items Requiring Action



June XX, 2024

VIA EMAIL ([galcath@gmail.com](mailto:galcath@gmail.com))

Catherine Foster  
10a Murray Street  
Adams, MA 01220

Re: Response to Open Meeting Law Complaint Filed on June 6, 2024

Catherine Foster:

This letter shall serve as the written response of the Berkshire Regional Planning Commission Executive Committee (the "Committee") to your Open Meeting Law complaint received on June 6, 2024 concerning the Committee's agenda posted on June 4, 2024 for its meeting on June 6<sup>th</sup>. The Committee reviewed your complaint at its meeting on June XX, 2024, and authorized me to provide a written response on behalf of the Committee.

**Summary of Complaint and Requested Response:**

In your complaint, you allege that the Committee violated the Open Meeting Law as follows:

*On June 4, 2024 the Berkshire Regional Planning Commission violated Open Meeting Law by publishing an Agenda that is not as detailed as possible, and therefore failing to inform the public in a reasonable manner of the business to be considered by the body at the meeting:*

- *Section VI. B is not sufficiently detailed, as it is not stated which members will be under consideration.*
- *Section VI. C is not sufficiently detailed, as the amendments have not been made available to the public.*
- *Section VI.D is not sufficiently detailed, as the revisions to the policy have not been made available to the public.*

*Although the agenda lists "attachments" for the meeting, these documents are not available to the public with the agenda.*

Your complaint requests the following response from the Committee:

- 1) *Amend the Agenda for the 6/6/24 meeting;*
- 2) *Acquire Open Meeting training as appropriate; and*
- 3) *Pledge to abide by the Open Meeting laws in the present and the future.*

**Response of the Committee:**

The Berkshire Regional Planning Commission (BRPC) is a regional public body. 940 CMR section 29.03 (3) (b) allows regional bodies to adopt an alternative method of posting rather than posting in each city and town within a region:

(b) As an alternative method of notice, a regional or district public body may, by majority vote, adopt the regional or district public body's website as its official notice posting method. A copy of each meeting notice

shall be kept by the chair of the public body or the chair's designee in accordance with the applicable records retention schedules. The public body shall file and post notice of the website address, as well as directions on how to locate notices on the website, in each city and town within the region or district in the manner prescribed for local public bodies in that city or town.

As allowed by the Open Meeting Law regulations, BRPC has adopted the Berkshire Regional Planning Commission's website, [www.berkshireplanning.org](http://www.berkshireplanning.org) as its official notice posting method. Meetings are posted in the website calendar, [BRPC Executive Committee - Berkshire Regional Planning Commission \(berkshireplanning.org\)](http://www.berkshireplanning.org). The agenda that was posted in Adams included the following statement:

"Meeting materials are on BRPC's website: [www.berkshireplanning.org](http://www.berkshireplanning.org). Click the calendar of events, then the meeting name, and follow the link to materials."

Also posted on the BRPC website was an accompanying document that contained material related to the meeting, [A.-2024.06.06-BRPC-Executive-Committee-Meeting-Material.pdf \(berkshireplanning.org\)](http://www.berkshireplanning.org).

In specific response to your complaints:

*Section VI. B is not sufficiently detailed, as it is not stated which members will be under consideration.*

The second page of the Executive Director's report dated May 31, 2024, posted on the BPRC website and available for public review as of June 4, 2024, [A.-2024.06.06-BRPC-Executive-Committee-Meeting-Material.pdf \(berkshireplanning.org\)](http://www.berkshireplanning.org), contains the following information under Agenda Items June 6, 2024 Executive Committee Meeting (p. 24 on the linked document):

**Vote to Re-appoint Members to Special or Standing Committees or Commissions not Under the Jurisdiction of the Commission\***

The BRPC Bylaws allow the Executive Committee to annually re-appoint members to committees, commissions, or the like not under the jurisdiction of the Commission after the initial appointment, subject to ratification by the full Commission at its next meeting.

The Executive Committee is requested to re-appoint the following members:

- Westfield River Wild and Scenic – Doug McNally
- Woodlands Partnership of Northwest Massachusetts
- Chris Cozzaglio - MPO Alternate - Sam Haupt

*Section VI. C is not sufficiently detailed, as the amendments have not been made available to the public.*

Section VI. C is related to amendments to BRPC's Professional Development Program. The proposed amendments were included in the meeting material posted on the BPRC website, [A.-2024.06.06-BRPC-Executive-Committee-Meeting-Material.pdf \(berkshireplanning.org\)](http://www.berkshireplanning.org), pp. 31-32. As stated above, this material was available for public review as of June 4, 2024.

*Section VI.D is not sufficiently detailed, as the revisions to the policy have not been made available to the public.*

Section VI. D is related to amendments to BRPC's Telework Policy. The proposed amendments were included in the meeting material posted on the BPRC website, [A.-2024.06.06-BRPC-Executive-Committee-Meeting-Material.pdf \(berkshireplanning.org\)](http://www.berkshireplanning.org), pp. 32-34. Again, this material was available for public review as of June 4, 2024.

You also state that:

*Although the agenda lists "attachments" for the meeting, these documents are not available to the public with the agenda.*



The error in the meeting agenda was not that the detail you request was not publicly available at least 48 hours in advance of the June 6<sup>th</sup> meeting. The error was stating that it was attached to the agenda when it was viewable on a different page of the website. A correct statement would read: The following list of material to accompany the agenda is available on the BRPC website at [www.berkshireplanning.org](http://www.berkshireplanning.org). This statement, or a similar statement will be included in future meeting agendas.

Your complaint requests the following response from the Committee:

1) *Amend the Agenda for the 6/6/24 meeting;*

Response: Future meetings agendas will more clearly state that material accompanying the agenda is available at the Berkshire Regional Planning Commission's Official Notice Posting Website, [www.berkshireplanning.org](http://www.berkshireplanning.org).

2) *Acquire Open Meeting training as appropriate;*

Response: BRPC Executive Committee members certify that they have received the Open Meeting Law material. New members to the Executive Committee are required to certify that they have received the Open Meeting Law material within 2 weeks of becoming members. BRPC administration maintains records of certificates.

3) *Pledge to abide by the Open Meeting laws in the present and the future.*

Members of the BRPC Executive Committee are current or past members of municipal public bodies and are aware of the requirements of the Open Meeting law and the need to comply with it.

**Conclusion:**

With this written response, the Committee believes it has addressed the issues raised in your complaint. In compliance with the Open Meeting Law and the Attorney General's regulations, the Committee submitted a copy of your complaint to the Attorney General's Division of Open Government. By also forwarding a copy of this written response, the Committee has notified the Attorney General's Division of Open Government of the action taken by the Committee in response to your complaint.

Sincerely,

Thomas Matuszko,  
Executive Director to the Berkshire Regional  
Planning Commission

cc: Division of Open Government, Attorney General's Office (via email)  
Donna Brewer, Counsel



# Berkshire Regional Planning Commission Environmental Review Report

June 13, 2024

**SUBJECT:** Mount Williams Reservoir Dam and Notch Reservoir Dam Improvements  
**EOEEA#:** 16835  
**LOCATION:** North Adams  
**REVIEW TYPE:** EENF  
**PROPONENT:** City of North Adams, Department of Public Services  
**COMMENTS DUE:** June 21, 2024

## Project Description

The Project entails improvements to the aging Mount Williams Reservoir and Notch Reservoir dams and spillways, as well as other ancillary dam features. Both Dams are owned and operated by the City of North Adams and function as critical infrastructure for the City's Public Water Supply. The Project exceeds review thresholds set forth by the MEPA regulations requiring an ENF and a mandatory Environmental Impact Report (EIR). The proponent has requested that MEPA allow the preparation of a Single EIR in accordance with 301 CMR 11.06(8).

The Mount Williams Reservoir and Notch Reservoir are the primary drinking water supplies for the City of North Adams. The Mount Williams Reservoir Dam was originally constructed in 1914 and has operated as the primary potable water source for the City (Public Water Supply (PWS ID 1209000-04S) for over 100 years. The Notch Reservoir Dam was originally constructed in 1895 and is the second principal potable surface water source for the City (PWS ID 1209000-01). Water from the Notch Reservoir directly supplements the Mount Williams Reservoir through the diversion structure via gravity pipe that discharges into a brook within the Mount Williams Reservoir watershed.

Inspections completed by Tighe & Bond found the dams to be in Poor condition as defined by the Department of Conservation and Recreation's (DCR) Office of Dam Safety current rating guidelines. The dams have also been classified as a High Hazard dams per the dam safety standards set forth at 302 CMR 10.00, Dam Safety regulations, meaning they would likely cause loss of life and serious damage to residential or commercial properties or important public utilities in the event of failure.

## Required Permits & MEPA Thresholds

The Project exceeds review thresholds set forth by the MEPA regulations requiring an ENF and mandatory Environmental Impact Report (EIR). Thresholds met or exceeded include the following:

- Greater than two acres of disturbance of designated priority habitat,
- Alteration of 1,000 or more SF of Outstanding Resource Waters (ORW),
- Alteration of ½ or more acres of any other wetlands (e.g., LUW, BLSF, ILSF, Riverfront Area, and
- Alteration of 10 or more acres of any other wetlands.

There are Environmental Justice (EJ) populations within a one (1) mile radius of the Project Sites. Per 301 CMR 11.06(7)(b), an EIR is also required in accordance with MEPA's Environmental Justice Protocols.

State Agency Permits required include Section 401 Water Quality Certification (MassDEP), Dam Safety Permit (DCR Office of Dam Safety), and Conservation and Management Permit (NHESP). Financial assistance includes funding from the Massachusetts Dam and Seawall Repair and Removal fund.

### Project Design

At the Mount Williams Reservoir Dam, work will include:

- Replacement of the spillway and discharge channel,
- Regrading of the downstream slope of the dam to meet current safety regulations,
- Removal of woody vegetation on and within 20 feet of the dike and dam embankments,
- Extension of riprap on the upstream slope of the dam to the dam crest for erosion protection,
- Installation of a filter blanket and toe drain along the downstream toe of the slope of the dam,
- Replacement of low-level outlet gate valves, and
- Repair of the gatehouse and associated access bridge.

At the Notch Reservoir Dam, work will include:

- Replacement of the spillway,
- Regrading of the downstream slope of the dam to meet current safety regulations and installation of overtopping protection with articulated concrete blocks,
- Removal of woody vegetation on and within 20 feet of the dam embankment,
- Extension of riprap on the upstream slope of the dam to the dam crest for erosion protection,
- Installation of a filter blanket and toe drain along the downstream tow of the slope of the dam,
- Rehabilitation of the diversion structure,
- Construction of a new gatehouse and associated access bridge, and
- Demolition of the gatehouse, former municipal dog pound, and the vacant H.A. Chase House.

### Alternatives Analysis

*No Action or Dam Removal:* Both the Mount Williams Reservoir Dam and the Notch Reservoir Dam are in Poor condition as defined by DCR's current rating guidelines and considered to have High Hazard Potential meaning they would likely cause loss of life and serious damage to residential or commercial properties, or important public utilities in the event of failure. Repairs are necessary to ensure public safety. Removal of the dams is not an option as they provide the majority of the public drinking water supply to the City of North Adams.

*Mount Williams Reservoir Dam – Overtopping Protection:* Another approach for increasing hydraulic capacity of the dam is to install overtopping protection in lieu of increasing spillway size. It should be noted that under this scenario, the reconstruction of the existing spillway and discharge channel would still be required due to their deteriorated condition. Articulated concrete blocks would be placed just below the surface of the downstream slope after the slope is regraded to a flatter degree. A 6-inch thick sacrificial layer of loam would be placed over the overtopping protection to establish a healthy stand of grass on the surface. This option could be completed at a lower cost and the spillway could be reconstructed without the need for widening. However, this would still allow flow to overtop the embankment which results in an inherent risk of failure and could cause damage to downstream areas.

*Notch Reservoir Dam – Increase Spillway Capacity:* The hydraulic capacity of the dam could be increased to meet the required design flow by increasing the length of the spillway weir, raising the embankment crest elevation to provide additional storage and freeboard, or lowering the spillway weir elevation to provide additional storage. These options would reduce the risk of overtopping. However, increasing the length of the spillway or raising the embankment would increase the footprint of the dam. Due to natural site constraints, the spillway can only be increased by ten feet which would not provide enough hydraulic capacity. Raising the dam embankment to provide enough hydraulic capacity would require

extending the downstream toe of the dam 90 feet from the existing toe, which is approximately double the extension that is needed just to regrade the existing downstream slope to meet the safety standards. Lowering the spillway weir to provide additional storage would reduce the available storage in the reservoir that, given this reservoir is a public water supply, is not advantageous to the City. In addition, a lower pool elevation as a result of the lower weir elevation would also reduce the available hydraulic head for transferring water through the diversion structure to the Mount Williams Reservoir where water is drawn from by the treatment plant.

*Alternatives to Reservoir Drawdown:* Drawdown of both reservoirs is necessary to access areas of the dam that must be modified in order to meet DCR's recommend dam safety standards (302 CMR 10.00). These include the embankments, primary spillway inlets, and the gatehouse installation at Notch Reservoir. Temporary cofferdams will be used around the primary spill inlet at Mount Williams Reservoir and the gatehouse installation area at Notch Reservoir to minimize the depth of drawdown needed to access these areas. It is not feasible to access the needed areas using only temporary cofferdams and dewatering measures without reservoir drawdown. The height of cofferdams that would be required would create unsafe working conditions.

*Proposed Dam Repairs [Preferred]:* The City's preferred approach is to install a larger spillway at the Mount Williams Reservoir Dam. While increasing the spillway capacity is slightly more costly compared to the overtopping protection alternative, it will allow the storm to flow through the spillway without overtopping the embankment, which limits the risk of a breach due to erosion during an overtopping event.

The recommended alternative for addressing hydraulic capacity at Notch Reservoir Dam is to provide overtopping protection on the embankment combined with a modest widening of the spillway by 10 feet. The downstream slope is recommended to be flattened to meet the required factors of safety. A gatehouse is also recommended on the upstream end of the low-level outlets to remove the consistently pressurized conduits through the embankment and to provide a means for the City to lower water levels in the event of an emergency or for maintenance purposes.

## Project Impacts

### *Rare Species*

According to the Massachusetts Natural Heritage and Endangered Species Program (NHESP) Atlas (15th edition, effective August 1, 2021), and MassGIS online mapping data (August 1, 2021), the Mount Williams Reservoir Dam Project Site is located within the limits of mapped Priority Habitats of Rare Species (PH 2026) and Estimated Habitats of Rare Wildlife (EH 1294). There is no mapped PH or EH at or near Notch Reservoir.

An information request was submitted to NHESP to determine the extent and type of state listed protected species within the Mount Williams Project Site. In a response dated March 1, 2023, NHESP provided a list of state-listed species within PH 2026 and EH 1294. Listed species include the Tule Bluet (*Enallagma carunculatum*), which is a damselfly and a Species of Special Concern and Gattinger's Panic-Grass (*Panicum philadelphicum ssp. Gattingeri*), which is a plant and a Species of Special Concern. Coordination with NHESP is ongoing to determine whether the Project will result in a take of state-listed species and determine avoidance and minimization strategies. A Notice of Intent will be submitted after the filing of this EENF and a copy will be sent to NHESP for a joint review under MESA.

### *Wetlands*

Permanent and temporary impacts to wetland resource areas include permanent impacts to Inland Bank and Land under Water (LUW) for spillway replacement and dredging and permanent impacts to Bordering Vegetated Wetland at Notch Reservoir. Additional impacts to wetland resource areas include temporary impacts to LUW due to reservoir drawdown and both permanent and temporary impacts to Riverfront Area due to spillway replacement in the vicinity of Paull Brook at Mount Williams Reservoir and the installation of overtopping protection in the vicinity of Notch Brook at Notch Reservoir.

<u>Inland Wetlands</u>	<u>Area (square feet) or Length (linear feet)</u>	<u>Temporary or Permanent Impact?</u>
Bank (lf)	300 LF	P
Bordering Vegetated Wetlands	450 sf / 1,800 SF	T / P
Isolated Vegetated Wetlands	N/A	N/A
Land under Water	1,772,892 SF / 6,850 SF	T / P
Isolated Land Subject to Flooding	N/A	N/A
Bordering Land Subject to Flooding	N/A	N/A
Riverfront Area	68,850 SF / 25,700 SF	T / P

The proposed work will result in approximately 1,800 sf of permanent impacts in BVW. The Proponent proposes to mitigate for these impacts with construction of an 1,800-sf wetland replication area. The proposed replication area is located within the same wetland system and as close to the lost area as practicable while avoiding ponding close to the toe slope of the dam embankment. The same ground water and surface elevation will be established in the replication area through grading. The replicated wetland will be located along the bank of Notch Brook and will have a direct hydraulic connection to the Brook. A Wetland Replication Plan will be prepared as part of the Single EIR which will detail the methods proposed to achieve indigenous wetland plant revegetation and erosion control in accordance with standard U.S. Soil Conservation Services methods.

### *Historic and Archaeological Resources*

At the Mount Williams Reservoir Dam, work will include repair activities for the existing gatehouse and associated access bridge. At the Notch Reservoir Dam, work will include demolition of the deteriorated gatehouse, former municipal dog pound, and the H.A. Chase House. Separate Project Notification Forms (PNF) were submitted to the Massachusetts Historical Commission (MHC) in February 2023. MHC responded with a determination that the Project will have “no adverse effect” on significant historic or archaeological properties.

### **BRPC Staff Comments**

BRPC supports the request for a Single EIR. This project is of critical importance as the reservoirs serve as public drinking water reservoirs for the City of North Adams. Both dams are considered to be in Poor condition as defined by the Department of Conservation and Recreation’s (DCR) Office of Dam Safety and have also been classified as a High Hazard dams per the dam safety standards. BRPC suggests that the SEIR includes the following:

1. A Wetland Replication Plan which details the methods proposed to achieve indigenous wetland plant revegetation and erosion control in accordance with standard U.S. Soil Conservation Services methods. In addition, the Wetland Replication Plan should clearly establish a minimum duration of monitoring and procedures to ensure that the replicated wetland is established.

2. Provide detail with regard to the methods will be used to minimize the potential for the introduction of invasive species during construction and as the replicated wetland is established.
3. Provide additional information with regard to how the EJ communities will continue to be engaged as the project moves through design, permitting and construction onsite activities occur. As this project will take several years to complete it is important to continue to keep the public informed. In addition, the duration of this project will offer multiple opportunities to keep the public informed and engaged.



# BRPC

Berkshire Regional Planning Commission

MALCOLM FICK, Chair  
JOHN DUVAL, Vice-Chair  
SHEILA IRVIN, Clerk  
BUCK DONOVAN, Treasurer  
THOMAS MATUSZKO, A.I.C.P.  
Executive Director

June 24, 2024

## RE: Proposed National Interest Electric Transmission Corridors (NIETC) Designation

The Berkshire Regional Planning Commission (BRPC) welcomes the opportunity to submit comments and provide additional information on geographic boundaries and permitting. The information provided within the attached summary is intended to assist the Department of Energy (DOE) in fulfilling its statutory requirements for NIETC designation under the FPA and ensure a well thought out, planned corridor that meets the region's energy goals while minimizing and mitigating impacts. In part, the attached summary is intended to aid DOE in conducting a study of environmental impacts pursuant to NEPA and other federal statutes, as efficiently and effectively as possible. To the maximum extent practicable, the summary is organized to include Water use and quality, Fish, wildlife, and vegetation, Cultural resources, Communities of interest, Geological resources, Soils, and Land use.

The proposed corridor traverses the Towns of Hancock, Lanesborough, Dalton, Hinsdale and Windsor. This is a rural area in western Massachusetts. The potential environmental and cumulative effects resulting from a NIETC designation are a significant concern. It will be of the utmost importance that DOE works with the Towns as the designation advances toward Phase 3. As a Home Rule state, self-governance in Massachusetts is important to take into consideration and each Select Board must be engaged as the designation process progresses.

It is our understanding that DOE's goal is to facilitate electric transmission development by setting forth a nonbinding process that DOE plans to generally follow to designate National Interest Electric Transmission Corridors (NIETC) pursuant to section 216(a) of the Federal Power Act (FPA), as amended by the Infrastructure Investment and Jobs Act (IIJA). We appreciate that each NIETC is a geographic area where, based on its triennial National Transmission Needs Study (Needs Study) or other relevant information, DOE has identified present or expected transmission capacity constraints or congestion that adversely affects consumers. While we understand the need for additional electric capacity, one or more transmission projects could be located within this geographic area. At this time BRPC continues to have questions with regard to the potential impacts of such a designation and what it might entail. The following are just a few examples of questions we have with regard to the proposed designation:

- How was the 1 mile corridor decided upon?
- Will the 1 mile corridor be evaluated and adjusted based on environmental or other sensitive resources?
- How does this impact residents that live within the corridor?
- How does this impact land owners within the corridor?
- Will residents within this corridor receive direct benefits from the increased capacity?
- How will it be ensured that the savings provided through various grant programs is passed on to the consumers?

## Hinsdale

Hinsdale is a rural town tucked away in the “Hilltowns” region of Western Massachusetts. The town prides itself on supporting a robust local economy with many public services that rural towns often lack. Hinsdale is a beacon for outdoor recreation as its numerous recreational assets are carefully stewarded by the town and partner organizations. Many residents are employed in Pittsfield and surrounding towns.

	Acres/Miles/Count	Percent of Corridor
2020 Population	1919	
Median Household Income (2018-2022 ACS)	\$ 70,234	
Total Land Area (acres)	13,883.89	
1-mile Wide NIETC Corridor (acres)	1,816.42	
Parcels	81	
Buildings	77	
Aquifers (acres)	0	0.0%
Public Water Supplies (count)	0	
Interim Wellhead Protection Area / Zone II (Acres)	0	0.0%
Surface Water Supply Watershed (acres)	421.76	23.2%
BioMap 2 Core Habitat (acres)	287.44	15.8%
BioMap 2 Critical Natural Landscapes (acres)	940.96	51.8%
Certified Vernal Pools (count)	6	0.3%
Cold Water Fisheries (miles)	4.09	0.2%
Endangered Species Habitat (acres)	221.35	12.2%
Living Waters Core Habitat (acres)	0	0.0%
Carbonite Karst Geology (acres)	0	0.0%
Excessively Drained Soils (acres)	359.74	19.8%
Highly Erodible Soils (acres)	60.79	3.3%
Hydric Soils (acres)	367.81	20.2%
Prime Agricultural Soils (acres)	21.66	1.2%
Unique Soils (acres)	47.19	2.6%
Historic Buildings/Sites (count)	0	
Protected Land (total acres)	1202.03	66.2%
Federal Protected Land(acres)	0	0.0%
State Protected Land (acres)	18.78	1.0%

Municipal Protected Land (acres)	1183.25	65.1%
Land Trust Protected Land (acres)	0	0.0%
Private Protected Land (deed restriction) (acres)	0	0.0%
Streams (miles)	7.37	0.4%
Wetlands Total (acres)	251.97	13.9%
Freshwater Emergent Wetland (acres)	52.03	2.9%
Freshwater Forested/Shrub Wetland (acres)	111.22	6.1%
Freshwater Pond (acres)	0.58	0.0%
Lake (acres)	85.36	4.7%
Riverine (acres)	2.78	0.2%
Land Use		
Agriculture (acres)	0	0.0%
Bare Land (acres)	2.21	0.1%
Commercial (acres)	0	0.0%
Cultivated (acres)	0	0.0%
Deciduous Forest (acres)	785.01	43.2%
Developed Open Space (acres)	33.49	1.8%
Evergreen Forest (acres)	623.54	34.3%
Forest (acres)	0	0.0%
Grassland (acres)	50.46	2.8%
Industrial (acres)	6.87	0.4%
Mixed Use, other (acres)	0.08	0.0%
Mixed Use, Residential (acres)	0.18	0.0%
Open Land (acres)	0.07	0.0%
Palustrine Aquatic Bed (acres)	0.36	0.0%
Palustrine Emergent Wetland (acres)	34.78	1.9%
Palustrine Forested Wetland (acres)	113.31	6.2%
Palustrine Scrub/Shrub Wetland (acres)	17.37	1.0%
Pasture/Hay (acres)	4.22	0.2%
Residential - Multi-family (acres)	0.19	0.0%
Residential - Other (acres)	0	0.0%
Residential - single family (acres)	6.82	0.4%
Right-of-way (acres)	13.73	0.8%
Scrub/Shrub (acres)	15.03	0.8%
Tax Exempt (acres)	11.88	0.7%
Unknown (acres)	0	0.0%
Water (acres)	96.82	5.3%

Hinsdale is best known for its several summer camps, attracting families from across the northeast and beyond. These camps have transformed Hinsdale into a charming bedroom



community with a population that swells in the summer as lakeside homes and woodland cabins are filled by seasonal residents, vacationers, and families seeking a restorative outdoor retreat. Water is one of Hinsdale's greatest assets, as most of the town is within the Hinsdale Flats Watershed ACEC. This watershed provides Hinsdale and nearby communities with clean drinking water and harbors outstanding wildlife diversity and recreational opportunities, as numerous rivers, brooks, and lakes are scattered across town.

## Peru

Peru is a rural bedroom community on the eastern edge of the Berkshires that supports both the Pittsfield and Springfield metropolitan areas. The town has one of the lowest populations and population densities in the commonwealth with approximately 800 residents. The town's minimal development allows it to boast an impressive number of outdoor recreational spaces, as most of Peru consists of forested public land. The town's geography earned it the name "Peru" in reference to the mountainous, high-elevation South American country.

	Acres/Miles/Count	Percent of Corridor
2020 Population	814	
Median Household Income (2018-2022 ACS)	\$ 78,500	
Total Land Area (acres)	16,663.08	
1-mile Wide NIETC Corridor (acres)	592.22	
Parcels	7	
Buildings	1	
Aquifers (acres)	0	0.0%
Public Water Supplies (count)	0	
Interim Wellhead Protection Area / Zone II (Acres)	0	0.0%
Surface Water Supply Watershed (acres)	83.28	14.1%
BioMap 2 Core Habitat (acres)	558.19	94.3%
BioMap 2 Critical Natural Landscapes (acres)	592.23	100.0%
Certified Vernal Pools (count)	2	0.3%
Cold Water Fisheries (miles)	1.4	0.2%
Endangered Species Habitat (acres)	0	0.0%
Living Waters Core Habitat (acres)	0	0.0%
Carbonite Karst Geology (acres)	0	0.0%
Excessively Drained Soils (acres)	70.7	11.9%
Highly Erodible Soils (acres)	0	0.0%
Hydric Soils (acres)	286.66	48.4%
Prime Agricultural Soils (acres)	0	0.0%
Unique Soils (acres)	0	0.0%
Historic Buildings/Sites (count)	0	
Protected Land (total acres)	585.26	98.8%

Federal Protected Land(acres)	0	0.0%
State Protected Land (acres)	168.04	28.4%
Municipal Protected Land (acres)	417.22	70.5%
Land Trust Protected Land (acres)	0	0.0%
Private Protected Land (deed restriction) (acres)	0	0.0%
Streams (miles)	2.72	0.5%
Wetlands Total (acres)	60.79	10.3%
Freshwater Emergent Wetland (acres)	22.65	3.8%
Freshwater Forested/Shrub Wetland (acres)	37.5	6.3%
Freshwater Pond (acres)	0	0.0%
Lake (acres)	0	0.0%
Riverine (acres)	0.64	0.1%
Land Use		
Agriculture (acres)	0.00	0.0%
Bare Land (acres)	0.20	0.0%
Commercial (acres)	0.00	0.0%
Cultivated (acres)	0.00	0.0%
Deciduous Forest (acres)	121.95	20.6%
Developed Open Space (acres)	0.00	0.0%
Evergreen Forest (acres)	378.10	63.8%
Forest (acres)	0.00	0.0%
Grassland (acres)	9.57	1.6%
Industrial (acres)	0.00	0.0%
Mixed Use, other (acres)	0.00	0.0%
Mixed Use, Residential (acres)	0.00	0.0%
Open Land (acres)	0.00	0.0%
Palustrine Aquatic Bed (acres)	0.07	0.0%
Palustrine Emergent Wetland (acres)	26.57	4.5%
Palustrine Forested Wetland (acres)	15.85	2.7%
Palustrine Scrub/Shrub Wetland (acres)	23.40	4.0%
Pasture/Hay (acres)	0.00	0.0%
Residential - Multi-family (acres)	0.00	0.0%
Residential - Other (acres)	0.00	0.0%
Residential - single family (acres)	0.00	0.0%
Right-of-way (acres)	0.14	0.0%
Scrub/Shrub (acres)	13.76	2.3%
Tax Exempt (acres)	0.01	0.0%
Unknown (acres)	0.00	0.0%
Water (acres)	2.60	0.4%

Peru is known for having the highest town center in Massachusetts at just over 2,000 feet—it is also the highest in any New England state other than Vermont. Peru is highly forested, with the Peru Wildlife Management Area and Peru State Forest alone taking up almost half of the town's total land area. The town's high elevation means there is very little standing water, though Tracy Pond offers a beautiful setting for warm water fishing or paddling. This pond is part of the greater Hinsdale Flats Watershed ACEC, which rests on Peru's western edge with additional bodies of water consisting of Bilodeau, Kilburn, Tracy, and Tracy Brooks.

## Windsor

Windsor is a rural town on the Berkshires' eastern border with a population just over 800. The town's pristine wilderness and rich history attract residents who seek an escape into the country but value a tightly-knit community with opportunities for local events and active participation in the community. The town is nestled atop an expansive plateau at around 2,000 feet, containing multiple wildlife preserves and undeveloped forests that boast impressive biological diversity and offer numerous recreational opportunities.

	Acres/Miles/Count	Percent of Corridor
2020 Population	831	
Median Household Income (2018-2022 ACS)	\$ 102,639	
Total Land Area (acres)	22,503.50	
1-mile Wide NIETC Corridor (acres)	2,922.20	
Parcels	154	
Buildings	151	
Aquifers (acres)	0	0.0%
Public Water Supplies (count)	0	
Interim Wellhead Protection Area / Zone II (Acres)	3.25	0.1%
Surface Water Supply Watershed (acres)	15.24	0.5%
BioMap 2 Core Habitat (acres)	312.83	10.7%
BioMap 2 Critical Natural Landscapes (acres)	1248.75	42.7%
Certified Vernal Pools (count)	0	0.0%
Cold Water Fisheries (miles)	6.77	0.2%
Endangered Species Habitat (acres)	170.37	5.8%
Living Waters Core Habitat (acres)	25.7	0.9%
Carbonite Karst Geology (acres)	0	0.0%
Excessively Drained Soils (acres)	447.57	15.3%
Highly Erodible Soils (acres)	69.08	2.4%
Hydric Soils (acres)	421.55	14.4%
Prime Agricultural Soils (acres)	91.18	3.1%
Unique Soils (acres)	0	0.0%
Historic Buildings/Sites (count)	5	
Protected Land (total acres)	858.23	29.4%
Federal Protected Land(acres)	0	0.0%

State Protected Land (acres)	599.65	20.5%
Municipal Protected Land (acres)	34.04	1.2%
Land Trust Protected Land (acres)	136.01	4.7%
Private Protected Land (deed restriction) (acres)	88.53	3.0%
Streams (miles)	16.79	0.6%
Wetlands Total (acres)	117.26	4.0%
Freshwater Emergent Wetland (acres)	24.02	0.8%
Freshwater Forested/Shrub Wetland (acres)	69.06	2.4%
Freshwater Pond (acres)	1.27	0.0%
Lake (acres)	0	0.0%
Riverine (acres)	22.91	0.8%
Land Use		
Agriculture (acres)	0.09	0.0%
Bare Land (acres)	33.94	1.2%
Commercial (acres)	0.44	0.0%
Cultivated (acres)	54.70	1.9%
Deciduous Forest (acres)	1173.57	40.2%
Developed Open Space (acres)	55.63	1.9%
Evergreen Forest (acres)	1275.37	43.6%
Forest (acres)	0.00	0.0%
Grassland (acres)	141.97	4.9%
Industrial (acres)	0.96	0.0%
Mixed Use, other (acres)	0.00	0.0%
Mixed Use, Residential (acres)	3.13	0.1%
Open Land (acres)	0.16	0.0%
Palustrine Aquatic Bed (acres)	0.04	0.0%
Palustrine Emergent Wetland (acres)	16.52	0.6%
Palustrine Forested Wetland (acres)	49.74	1.7%
Palustrine Scrub/Shrub Wetland (acres)	11.00	0.4%
Pasture/Hay (acres)	95.98	3.3%
Residential - Multi-family (acres)	0.42	0.0%
Residential - Other (acres)	0.00	0.0%
Residential - single family (acres)	7.83	0.3%
Right-of-way (acres)	37.79	1.3%
Scrub/Shrub (acres)	21.16	0.7%
Tax Exempt (acres)	0.20	0.0%
Unknown (acres)	0.52	0.0%
Water (acres)	11.04	0.4%

Windsor is at the headwaters of the scenic designation of the Westfield River, a major tributary to the Connecticut River—the North Branch runs southeast through town as steep slopes rise sharply along the riverbanks. Notchview Reservation, a Trustees of Reservations property, is Windsor's most popular recreational asset as it attracts snowsports enthusiasts from across the region for its outstanding cross-country skiing. The Windsor State Forest contains Windsor Jamb, a beautiful waterfall cascading through granite cliffs. MA Route 9 runs through the heart of Windsor, connecting Pittsfield with the Pioneer Valley and making Windsor a commonly traveled town, exciting travelers with scenic vistas and an inviting rural charm.

## Dalton

Dalton is a town in central Berkshire County with an area of 22 square miles. Its population is roughly 6,200 people, and its town center is 5 miles from Pittsfield. Due to Dalton's rich milling history, many residents live near the Housatonic River's East Branch.

	Acres/Miles/Count	Percent of Corridor
2020 Population	6330	
Median Household Income (2018-2022 ACS)	\$ 76,198	
Total Land Area (acres)	13,996.15	
1-mile Wide NIETC Corridor (acres)	2,170.56	
Parcels	88	
Buildings	122	
Aquifers (acres)	37.37	1.7%
Public Water Supplies (count)	2	
Interim Wellhead Protection Area / Zone II (Acres)	70.53	3.2%
Surface Water Supply Watershed (acres)	828.16	38.2%
BioMap 2 Core Habitat (acres)	1267.57	58.4%
BioMap 2 Critical Natural Landscapes (acres)	1398.01	64.4%
Certified Vernal Pools (count)	9	0.4%
Cold Water Fisheries (miles)	4.44	0.2%
Endangered Species Habitat (acres)	43.18	2.0%
Living Waters Core Habitat (acres)	1.37	0.1%
Carbonite Karst Geology (acres)	0	0.0%
Excessively Drained Soils (acres)	819.52	37.8%
Highly Erodible Soils (acres)	80.38	3.7%
Hydric Soils (acres)	55.08	2.5%
Prime Agricultural Soils (acres)	242.94	11.2%
Unique Soils (acres)	4.81	0.2%
Historic Buildings/Sites (count)	6	
Protected Land (total acres)	1737.75	80.1%
Federal Protected Land(acres)	36.64	1.7%
State Protected Land (acres)	1036.46	47.8%
Municipal Protected Land (acres)	71.18	3.3%
Land Trust Protected Land (acres)	0	0.0%
Private Protected Land (deed restriction) (acres)	593.47	27.3%



Streams (miles)	14.62	0.7%
Wetlands Total (acres)	73.43	3.4%
Freshwater Emergent Wetland (acres)	12.91	0.6%
Freshwater Forested/Shrub Wetland (acres)	37.27	1.7%
Freshwater Pond (acres)	5.41	0.2%
Lake (acres)	0	0.0%
Riverine (acres)	17.84	0.8%
Land Use		
Agriculture (acres)	0.05	0.0%
Bare Land (acres)	8.29	0.4%
Commercial (acres)	0.14	0.0%
Cultivated (acres)	0.04	0.0%
Deciduous Forest (acres)	1041.05	48.0%
Developed Open Space (acres)	33.66	1.6%
Evergreen Forest (acres)	754.97	34.8%
Forest (acres)	1.83	0.1%
Grassland (acres)	79.37	3.7%
Industrial (acres)	0.21	0.0%
Mixed Use, other (acres)	0	0.0%
Mixed Use, Residential (acres)	0.01	0.0%
Open Land (acres)	1.38	0.1%
Palustrine Aquatic Bed (acres)	0.01	0.0%
Palustrine Emergent Wetland (acres)	10.26	0.5%
Palustrine Forested Wetland (acres)	36.27	1.7%
Palustrine Scrub/Shrub Wetland (acres)	0.45	0.0%
Pasture/Hay (acres)	154.61	7.1%
Residential - Multi-family (acres)	4.02	0.2%
Residential - Other (acres)	0.33	0.0%
Residential - single family (acres)	4.36	0.2%
Right-of-way (acres)	14.21	0.7%
Scrub/Shrub (acres)	13.01	0.6%
Tax Exempt (acres)	4.34	0.2%
Unknown (acres)	0	0.0%
Water (acres)	7.69	0.4%

Dalton's mix of urban centers, suburban neighborhoods, and rural surroundings gives the town its identity as a "transition town" between the urban and rural spheres of the Berkshires. This mix is best encapsulated by Dalton's official designation as an Appalachian Trail Town, as the trail bisects Dalton, and hikers take advantage of the town's restaurants, laundry facilities, stores, and other services. Dalton has a diverse natural

environment with extensive wetlands and over 5,000 acres of “core habitat,” as the town contains watersheds of both the Housatonic and Hoosic Rivers. The town’s wetlands offer extensive ecosystem services to Dalton and neighboring communities, such as servicing Pittsfield’s drinking water supply and providing flood storage and control.

## Hancock

Hancock is a rural town located in northwestern Berkshire County. The town lies between the Berkshire Hills and Taconic Mountain range and borders New York State. Its population is roughly 750 people.

	Acres/Miles/Count	Percent of Corridor
2020 Population	757	
Median Household Income (2018-2022 ACS)	\$ 88,889	
Total Land Area (acres)	22,873.64	
1-mile Wide NIETC Corridor (acres)	1,591.84	
Parcels	117	
Buildings	162	
Aquifers (acres)	0	0.0%
Public Water Supplies (count)	1	
Interim Wellhead Protection Area / Zone II (Acres)	12.82	0.8%
Surface Water Supply Watershed (acres)	0	0.0%
BioMap 2 Core Habitat (acres)	373.5	23.5%
BioMap 2 Critical Natural Landscapes (acres)	1085.09	68.2%
Certified Vernal Pools (count)	0	0.0%
Cold Water Fisheries (miles)	1.78	0.1%
Endangered Species Habitat (acres)	0	0.0%
Living Waters Core Habitat (acres)	0	0.0%
Carbonite Karst Geology (acres)	779.25	49.0%
Excessively Drained Soils (acres)	795.81	50.0%
Highly Erodible Soils (acres)	250.72	15.8%
Hydric Soils (acres)	29.71	1.9%
Prime Agricultural Soils (acres)	554.95	34.9%
Unique Soils (acres)	0	0.0%
Historic Buildings/Sites (count)	34	
Protected Land (total acres)	290.05	18.2%
Federal Protected Land(acres)	0	0.0%
State Protected Land (acres)	290.05	18.2%
Municipal Protected Land (acres)	0	0.0%
Land Trust Protected Land (acres)	0	0.0%
Private Protected Land (deed restriction) (acres)	0	0.0%

Streams (miles)	10.71	0.7%
Wetlands Total (acres)	39.46	2.5%
Freshwater Emergent Wetland (acres)	9.14	0.6%
Freshwater Forested/Shrub Wetland (acres)	20.35	1.3%
Freshwater Pond (acres)	0	0.0%
Lake (acres)	0	0.0%
Riverine (acres)	9.97	0.6%
Land Use		
Agriculture (acres)	0	0.0%
Bare Land (acres)	3.76	0.2%
Commercial (acres)	0	0.0%
Cultivated (acres)	13.69	0.9%
Deciduous Forest (acres)	1138.8	71.5%
Developed Open Space (acres)	34.99	2.2%
Evergreen Forest (acres)	77.66	4.9%
Forest (acres)	0	0.0%
Grassland (acres)	50.59	3.2%
Industrial (acres)	0.39	0.0%
Mixed Use, other (acres)	0	0.0%
Mixed Use, Residential (acres)	0.13	0.0%
Open Land (acres)	0.75	0.0%
Palustrine Aquatic Bed (acres)	0	0.0%
Palustrine Emergent Wetland (acres)	0.86	0.1%
Palustrine Forested Wetland (acres)	5.31	0.3%
Palustrine Scrub/Shrub Wetland (acres)	10.85	0.7%
Pasture/Hay (acres)	193.67	12.2%
Residential - Multi-family (acres)	2.86	0.2%
Residential - Other (acres)	0	0.0%
Residential - single family (acres)	7.54	0.5%
Right-of-way (acres)	16.2	1.0%
Scrub/Shrub (acres)	33.26	2.1%
Tax Exempt (acres)	0.4	0.0%
Unknown (acres)	0.05	0.0%
Water (acres)	0.08	0.0%

With under 22 people per square mile, Hancock is one of Massachusetts's least densely populated towns. Much of its land is designated as state forest or wildlife sanctuary, though Hancock is also home to prominent Berkshires attractions, including the Hancock Shaker Village and Jiminy Peak Mountain Resort.



## Lanesborough

Lanesborough is a 30-square mile town in northern Berkshire County, located one town east of the New York State border. The town has a population of roughly 3,000, and many of its residents work in other Berkshire towns. Lanesborough is bound by Pittsfield to the south, while Williamstown and North Adams are a few towns north.

	Acres/Miles/Count	Percent of Corridor
2020 Population	3038	
Median Household Income (2018-2022 ACS)	\$ 87,159	
Total Land Area (acres)	18,934.19	
1-mile Wide NIETC Corridor (acres)	3,496.82	
Parcels	321	
Buildings	323	
Aquifers (acres)	102.61	2.9%
Public Water Supplies (count)	1	
Interim Wellhead Protection Area / Zone II (Acres)	163.08	4.7%
Surface Water Supply Watershed (acres)	0	0.0%
BioMap 2 Core Habitat (acres)	262.84	7.5%
BioMap 2 Critical Natural Landscapes (acres)	2126.98	60.8%
Certified Vernal Pools (count)	4	0.1%
Cold Water Fisheries (miles)	4.14	0.1%
Endangered Species Habitat (acres)	255.87	7.3%
Living Waters Core Habitat (acres)	46.5	1.3%
Carbonite Karst Geology (acres)	2070.25	59.2%
Excessively Drained Soils (acres)	849.91	24.3%
Highly Erodible Soils (acres)	159.5	4.6%
Hydric Soils (acres)	270.74	7.7%
Prime Agricultural Soils (acres)	1442.09	41.2%
Unique Soils (acres)	22.74	0.7%
Historic Buildings/Sites (count)	17	
Protected Land (total acres)	1419.21	40.6%
Federal Protected Land(acres)	0	0.0%
State Protected Land (acres)	666.7	19.1%
Municipal Protected Land (acres)	20.78	0.6%

Land Trust Protected Land (acres)	300.82	8.6%
Private Protected Land (deed restriction) (acres)	430.91	12.3%
Streams (miles)	18.05	0.5%
Wetlands Total (acres)	218.52	6.2%
Freshwater Emergent Wetland (acres)	38.54	1.1%
Freshwater Forested/Shrub Wetland (acres)	112.96	3.2%
Freshwater Pond (acres)	1.52	0.0%
Lake (acres)	48.43	1.4%
Riverine (acres)	17.07	0.5%
Land Use		
Agriculture (acres)	1.34	0.0%
Bare Land (acres)	90.09	2.6%
Commercial (acres)	2.59	0.1%
Cultivated (acres)	70.24	2.0%
Deciduous Forest (acres)	2175.96	62.2%
Developed Open Space (acres)	121.24	3.5%
Evergreen Forest (acres)	293.75	8.4%
Forest (acres)	0.02	0.0%
Grassland (acres)	126.73	3.6%
Industrial (acres)	0.89	0.0%
Mixed Use, other (acres)	1.69	0.0%
Mixed Use, Residential (acres)	2.58	0.1%
Open Land (acres)	1.18	0.0%
Palustrine Aquatic Bed (acres)	47.69	1.4%
Palustrine Emergent Wetland (acres)	40.53	1.2%
Palustrine Forested Wetland (acres)	64.37	1.8%
Palustrine Scrub/Shrub Wetland (acres)	38.49	1.1%
Pasture/Hay (acres)	299.3	8.6%
Residential - Multi-family (acres)	2.35	0.1%
Residential - Other (acres)	0	0.0%
Residential - single family (acres)	17.14	0.5%
Right-of-way (acres)	25.94	0.7%
Scrub/Shrub (acres)	56.5	1.6%
Tax Exempt (acres)	6.39	0.2%
Unknown (acres)	0.06	0.0%
Water (acres)	9.76	0.3%

The Town of Lanesborough has several outdoor attractions, including the southern entrance to Mount Greylock, which has the highest elevation in Massachusetts. Balance Rock of the Pittsfield State Forest, the Ashuwillticook Rail Trail, and Pontoosuc Lake are

also noteworthy sights and spaces to experience. Additionally, over 2.5 miles of the Appalachian Trail run through Lanesborough.



## Cheshire

The Town of Cheshire is in northern Berkshire County and has 3,200 residents. The town has an area of 27.5 square miles and is located within the Hoosic River valley. Much of its land includes the Hoosac Mountain Range and wildlife management areas. Cheshire's town center is roughly 10.5 miles north of Pittsfield and 11 miles south of North Adams.

	Acres/Miles/Count	Percent of Corridor
2020 Population	3258	
Median Household Income (2018-2022 ACS)	\$ 72,485	
Total Land Area (acres)	17,610.64	
1-mile Wide NIETC Corridor (acres)	957.17	
Parcels	64	
Buildings	69	
Aquifers (acres)	6.54	0.7%
Public Water Supplies (count)	2	
Interim Wellhead Protection Area / Zone II (Acres)	34.04	3.6%
Surface Water Supply Watershed (acres)	0	0.0%
BioMap 2 Core Habitat (acres)	410.82	42.9%
BioMap 2 Critical Natural Landscapes (acres)	471.35	49.2%
Certified Vernal Pools (count)	0	0.0%
Cold Water Fisheries (miles)	2.39	0.2%
Endangered Species Habitat (acres)	16.94	1.8%
Living Waters Core Habitat (acres)	48.49	5.1%
Carbonite Karst Geology (acres)	343.29	35.9%
Excessively Drained Soils (acres)	316.03	33.0%
Highly Erodible Soils (acres)	106.04	11.1%
Hydric Soils (acres)	34.16	3.6%
Prime Agricultural Soils (acres)	240.5	25.1%
Unique Soils (acres)	29.09	3.0%
Historic Buildings/Sites (count)	2	
Protected Land (total acres)	343.88	35.9%
Federal Protected Land(acres)	0	0.0%
State Protected Land (acres)	338	35.3%
Municipal Protected Land (acres)	0	0.0%

Land Trust Protected Land (acres)	5.88	0.6%
Private Protected Land (deed restriction) (acres)	0	0.0%
Streams (miles)	4.22	0.4%
Wetlands Total (acres)	98.68	10.3%
Freshwater Emergent Wetland (acres)	8.31	0.9%
Freshwater Forested/Shrub Wetland (acres)	30.74	3.2%
Freshwater Pond (acres)	2.82	0.3%
Lake (acres)	49.34	5.2%
Riverine (acres)	7.47	0.8%
Land Use		
Agriculture (acres)	2.53	0.3%
Bare Land (acres)	6.85	0.7%
Commercial (acres)	1.05	0.1%
Cultivated (acres)	41.83	4.4%
Deciduous Forest (acres)	525.72	54.9%
Developed Open Space (acres)	26.60	2.8%
Evergreen Forest (acres)	165.54	17.3%
Forest (acres)	0.00	0.0%
Grassland (acres)	39.64	4.1%
Industrial (acres)	0.09	0.0%
Mixed Use, other (acres)	2.58	0.3%
Mixed Use, Residential (acres)	0.00	0.0%
Open Land (acres)	0.24	0.0%
Palustrine Aquatic Bed (acres)	43.87	4.6%
Palustrine Emergent Wetland (acres)	5.65	0.6%
Palustrine Forested Wetland (acres)	21.47	2.2%
Palustrine Scrub/Shrub Wetland (acres)	3.63	0.4%
Pasture/Hay (acres)	40.72	4.3%
Residential - Multi-family (acres)	0.37	0.0%
Residential - Other (acres)	1.75	0.2%
Residential - single family (acres)	2.35	0.2%
Right-of-way (acres)	10.47	1.1%
Scrub/Shrub (acres)	4.88	0.5%
Tax Exempt (acres)	0.22	0.0%
Unknown (acres)	0.00	0.0%
Water (acres)	9.12	1.0%

The Cobbles, Ashuwillticook Trail, and Appalachian Trail offer scenic hiking and viewing opportunities within the town. Cheshire is one of roughly 40 towns designated as an Appalachian Trail community, with 6 miles of trail running through the town that can take

northbound explorers to Mount Greylock's summit. The 418-acre Cheshire Reservoir provides alternative outdoor activities.



## MEMORANDUM

**TO:** Delegates and Alternates,  
Berkshire Regional Planning Commission

**FROM:** Thomas Matuszko, Executive Director

**DATE:** June 17, 2024

**RE:** **May 2024 Assistance Activities**

This report highlights technical assistance provided by BRPC staff for May 2024. This assistance was in response to requests identified in the Board/Organization column. If available and permitted by the funding agencies, responses were supported by local assessment or grant funds. This report aims to inform municipal officials about how local assessment funds are used and indicate the types of local and technical assistance BRPC can provide. If assistance may be useful to your community, please feel free to contact us for details.

Town/City/State	Municipal Technical Assistance	Board/Organization
Adams	Zoning Board of Appeal reviews: appeal, processing, next steps	Zoning Board of Appeals & Community Development Office
Florida	Municipal Vulnerability Plan and grant writing	Town Administrator
Lanesborough	TAC and MPO Issues	Town Representative
North Adams	Data and information	Consultant
Savoy	MassDOT letter & response	Planning Board
Savoy	Route 116 bridge closure	Town
Tyringham	Training opportunities	Planning Board
Washington	Zoning special permit decision and lapse	Planning Board

Assistance Recipient	Non-Municipal Technical Assistance	Organization
West Stockbridge	Affordable housing status	Berkshire Interfaith Council