

**BERKSHIRE REGIONAL PLANNING COMMISSION**  
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**BERKSHIRE CONSERVATION COMMISSION GROUP  
SECOND MEETING**

**March 4, 2009, 7:00 PM**

**1) Welcome and introductions**

Attendees:

Terry Eucker, Berkshire Conservation Agent  
Mary Turek, Sandisfield Conservation Commission  
Harold Brotzman, Williamstown Conservation Commission  
Stacy Parsons, Lanesborough Conservation Commission  
Ken McInerney, New Ashford Conservation Commission  
Lydia Silva, Otis Conservation Agent  
Sarah LaValley, Berkshire Regional Planning Commission

Terry provided an overview of the BCCG.

**2) Review of February 2<sup>nd</sup> Meeting Notes**

**3) Discussion/Member Issues**

Member Issues:

A question was raised about the possibility of using up the available level of disturbance in an area. Terry noted that unless accurate records are maintained and checked, it can be difficult for commissions to know when the disturbance limit has been reached. It is helpful to note the amount of resource area impacted in the text of each Order.

A question was raised about the options available to a Commission when work is being done under an order of conditions, and is either not completed, or is not performed according to the Order. Terry noted that under state law (C44, §53G), conservation commissions can require applicants to pay for the cost of a consultant to monitor the construction phase, and explained the process and that a condition requiring an applicant to pay for the consultant should be in the Order.

Sarah provided copies of a state inspector general's guide to the law, available at [http://www.mass.gov/ig/publ/c44\\_s53g\\_consultants.pdf](http://www.mass.gov/ig/publ/c44_s53g_consultants.pdf)

The group discussed weed removal, including the consequences of herbicide application, and potential alternative mitigation efforts.

**4) Training Workshop: “Determining Whether a Stream is Perennial or Intermittent”**

Terry provided a presentation on determining whether streams are perennial or intermittent, and whether intermittent streams are jurisdictional or non-jurisdictional.

The Massachusetts Wetlands Protection Act provides Conservation Commissions jurisdiction for all perennial streams, and intermittent streams that are downgradient of wetland areas. Jurisdiction begins where wetlands begin, and also includes wetlands.

Intermittent streams are designated on USGS topographic maps as dark solid lines on new maps, and dashed lines on older maps. Fieldwork should still be done to verify these designations. Field observations can be used to designate streams as intermittent. Terry provided guidelines for commissioners to use if applicants propose this method, including considerations of drought conditions.

A discussion of the definitions for river, flow, and stream according to 310 CMR was held, these provide the basis for much of the work done by Conservation Commissions.

Stream designation may also be identified by using the USGS Streamstats, available at [www.water.usgs.gov/osw/streamstats/massachusetts](http://www.water.usgs.gov/osw/streamstats/massachusetts). Terry provided a Streamstats tutorial.

Training Workshop materials are available at:

[www.berkshireplanning.org/conservationagent/BCCG](http://www.berkshireplanning.org/conservationagent/BCCG)

**5) Next Meeting**

Attendees agreed that the next meeting should be held at the BRPC offices, at 7:00 PM on Wednesday, April 1<sup>st</sup>. The training topic will be the Natural Heritage (NHESP) program, and the May topic will be an in-depth discussion of forest cutting plans.

Discussion of a possible site visit was put off until the April meeting, when members will have a better idea of upcoming spring and summer site visits.

**6) Adjournment**

The meeting adjourned at 8:30