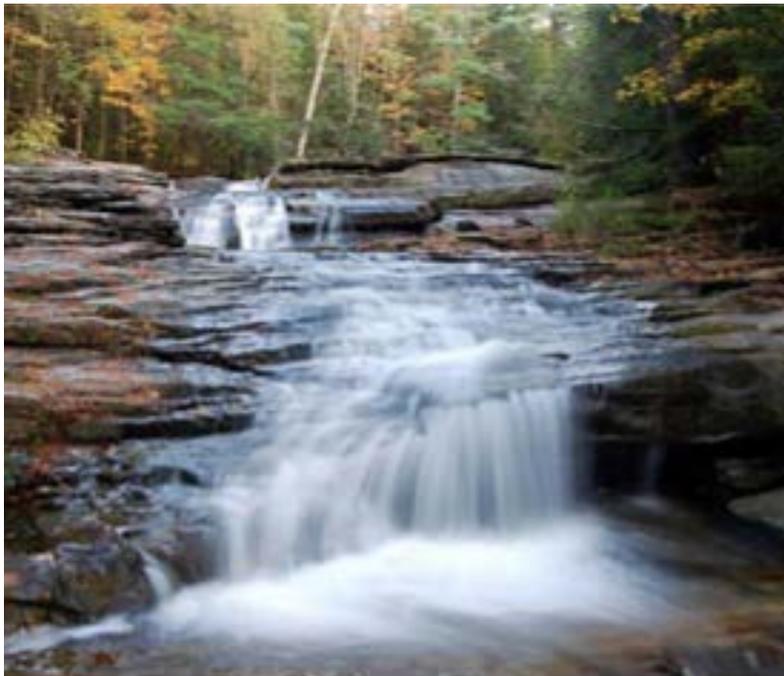


OPEN SPACE & RECREATION PLAN

for New Marlborough, Massachusetts



December 2016

Plan prepared by the New Marlborough Planning Board, with invaluable input from residents of New Marlborough. This Plan was developed with funding from the Commonwealth's District Local Technical Assistance.

2016 OPEN SPACE & RECREATION PLAN for New Marlborough, Massachusetts

Acknowledgments

In addition to thoughtful input from members of the public, the New Marlborough Planning Board put in hours of work identifying and exploring the issues and needs of their town, and identifying ways to address these actively. The assistance of Planning Board members Patricia Hardyman, James Mullen and Mark Carson is deeply appreciated. Jane Tant, Secretary to the Planning Board, also provided invaluable input throughout the process.

Other Stakeholders Consulted During the Course of This Project

ADD

Consultants

The Berkshire Regional Planning Commission (BRPC) served as the lead planning consultant for the project and drafted this document on behalf of the New Marlborough Planning Board.

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Section 1

Plan Summary

Preserving rural character and protecting natural resources are the primary goals for the 2004 New Marlborough Open Space and Recreation Plan (OSRP). Situated in the most southern part of Berkshire County, New Marlborough is off the beaten path, roughly twenty miles from the nearest exit of the Massachusetts Turnpike. The residents take pride in their sense of place and wish to maintain it. Recent decades of broad economic and demographic changes in New England are affecting the small, rural community of New Marlborough. The resulting boom in real estate sales and the building trades has given local landowners and tradesmen a welcome opportunity to prosper, and to raise their standard of living.

Concerned citizens of the town, however, do not wish to proceed on a course of economic growth and development without a well-planned vision for the future. As a result the town is taking some necessary measures to protect itself from haphazard sprawl, and the updated Open Space and Recreation Plan is a part of that process.

New Marlborough's concerns fall into four main categories: protecting open space, preserving the rural character of the villages, protecting water quality, and increasing community connections and recreational opportunities. The 2004 Open Space and



OPEN SPACE AND RECREATION GOALS

- I. Character of the villages remain intact.
- II. Diverse, accessible, and safe recreational opportunities are provided for residents of all ages without conflicting with the needs for protection of natural resources
- III. Healthy natural resources support both human and wildlife communities
- IV. New Marlborough's historic integrity and scenic beauty are preserved.
- V. State and town officials work with citizens to determine and implement the management of open space and recreational facilities.

Recreation Plan addresses these concerns by proposing the preservation of areas of unprotected open space with important natural or cultural resources (such as unprotected core wildlife habitat, prime agricultural soils, or remaining open fields); retaining the rural character with diversified zoning that also encourages economic growth; identifying additional recreational opportunities and facilities that could benefit the community; and increasing communication channels between the state, town, and citizens.

This report includes:

- ❖ analyses and maps of New Marlborough's landforms, water resources, critical wildlife habitats, historic and scenic sites, protected lands, potential pollution threats, and zoning;
- ❖ specific goals and objectives regarding open space protection, natural resource protection, regional open space connections, recreational needs, and communication;
- ❖ conclusions based on analysis of open space and recreation needs as related to the town's goals and objectives; and
- ❖ a seven-year action plan, which lays out specific steps for New Marlborough to achieve its goals and objectives.

For New Marlborough to preserve its rural character while promoting economic growth and development, this plan recommends connecting the already protected parcels of land with corridors for human and wildlife use, protecting areas of land along riparian corridors to encourage recreational use, instituting zoning that encourages development patterns which preserve rural character and open space, preserving land through land trusts and private stewardship, and enforcing existing protective measures to ensure high quality natural resources

Section 2

Introduction

A. Statement of Purpose

A rural town, New Marlborough's character has been shifting over the past decade to that of a residential and second-home community for New York and Boston residents. Since 1990, the population has increased by nearly 50%. Although the town's 1990 Open Space and Recreation Plan identified the need to protect open space, historic character, and agricultural heritage, development continues to erode the value of these resources.

This 2016 New Marlborough Open Space and Recreation Plan updates the 2004 OSRP. It assesses the community's intentions and inventories existing natural resources, historic assets, open space, and recreational opportunities. It comprehensively examines the natural resources in the town, the past and current status of these resources, and the future actions necessary to protect and enhance these open space lands and recreational opportunities. It attempts to address the future needs of New Marlborough from an open space perspective so that the development of New Marlborough can proceed in a manner that will best serve the community.

B. Planning Process and Participation

To be completed.



OPEN SPACE AND RECREATION UPDATE

This plan updates, draws information from and complements previous planning efforts.

- **BioMap 2 and Natural Heritage & Endangered Species Program (2016)** – Invaluable information about the diverse natural resources.
- **Comprehensive Plan 2009 – 10** – Referenced for the important information regarding development trends and for recent public opinions on natural resource and open space conservation.
- **Open Space and Recreation Plan (2004)** – Provided a basic foundation from which this updated plan is built upon and expanded.
- **Planning Board (2016)** – The Planning Board took the lead in the planning process for this update.
- **Resident Input (2016)** – Residents provided information via a survey and public forums.

Section 3

Community Setting

A. Regional Context

New Marlborough is a small town located in Berkshire County, Massachusetts. The Berkshire region renowned for its natural beauty, rich arts and culture scene, and small New England town charm. New Marlborough is a town of approximately 1,500 year-round residents and a substantial number of seasonal residents (estimated at approximately an additional 40%). In this setting lies the town of New Marlborough, nestled in the Berkshire Hills just east of Great Barrington, the business hub of southern Berkshire County.

As a town, New Marlborough consists of five distinct historic village centers with a predominantly rural landscape in between. These villages include:

- Hartsville
- New Marlborough
- Southfield
- Mill River
- Clayton (Three Hamlets)
 - Konkapot
 - North Clayton
 - Clayton

Geographical Location



NEW MARLBOROUGH LANDSCAPE

- **Area** – *The town is 32,656 acres in size. 87% of this land area is in private ownership.*
- **Use** – *The majority of development in the town is single-family residential development.*
- **Pattern** – *The traditional development pattern of the town was to concentrate development in one of the village centers while outlying areas between villages remain rural. This pattern still exists today but the distinction between rural and village is starting to be compromised by increased rural development.*
- **Density** – *All development in the town is relatively low-density but development in village centers has a more compact pattern than rural areas. Villages average one home per acre compared to one home per 5 acres in rural areas.*

Source: Chapter 3, *Growth and Land Use*, New Marlborough Comprehensive Plan, 2010.

The town of New Marlborough encompasses forty-eight square miles along the southern border of Berkshire County in western Massachusetts. The town is bordered by Sheffield to the west, Sandisfield to the east, and Monterey to the north. The Connecticut towns of North Canaan and Norfolk form the southern border. New Marlborough is approximately 140 miles west of Boston and 125 miles north of New York City.

The topography is a combination of rolling hills covered with dense, mature forests; meandering valleys with productive agricultural soil; and fast flowing, clean rivers. The two main rivers in New Marlborough, the Konkapot and the Umpachene, with their short, steep hillsides bisect the town from the north to the south. Wetlands and marshes between hills cover significant areas of the southeastern section of town. All of the headwater streams of the Umpachene River are located within the borders of the town; also within the town's borders are many of the headwater streams of the Konkapot River, which drains much of the town of Monterey to the north. The Whiting River drains Thousand Acre Swamp and Wolf Swamp and joins with Ginger Creek (from Connecticut) at Campbell Falls and moves west out of the plateau into Connecticut and to the broader valleys of the Blackberry and Housatonic Rivers. Except for York Lake (located in the easternmost section of town) that drains into the Farmington River, all of the water in New Marlborough drains into sub-basins and the Housatonic River.

The absence of any major transportation arteries through the town has steered development away from the area. The town is connected to the northwest by Route 57, which links to Routes 23 and 7 and to the Great Barrington area. Many of the residents in town travel this route to work and shop in Great Barrington. Traffic heading east and south continues along Route 57 to Sandisfield or into Connecticut along Route 183. There is no public transportation in town, but travel to and from Great Barrington is easy along well-maintained town and state roads. The absence of public and water sewer systems, specifically in the Village centers, has been a limiting influence on the building patterns and the economic development of retail, light commercial, and industrial initiatives. However, due to its quiet, rural setting, the town is rapidly developing as a second and third home market for New York residents.

The children of New Marlborough have the choice of attending several schools in the Southern Berkshire Regional School District (District number 765). Under Mountain Elementary School is a Pre-Kindergarten through sixth grade school located in nearby Sheffield. South Egremont offers children a Kindergarten through first grade education. The Town of Monterey has one Kindergarten school, and New Marlborough Central offers a Pre-Kindergarten through fourth grade education. Although Monument and Lenox high schools are in the region, most of the children from New Marlborough attend the nearby Mt. Everett High School.

There is considerable regional interest in the protection of surface water quality for the greater Housatonic River watershed. In addition, there are regional benefits to protecting and improving the town's open space and recreational assets and linking them, with trails or wildlife corridors, to other regional resources. Several large tracts of land in the neighboring towns of Sandisfield, Monterey, and Sheffield are protected by State Forests. The New Marlborough Land Trust, The Trustees of the Reservation and Berkshire Natural Resources Council are very active in pursuing the protection of open space through Conservation Restrictions and outright purchases. In order to address development pressure in nearby towns and ensure that land use, zoning, and conservation measures are complementary, New Marlborough must work in close cooperation with its neighboring towns.

B. History of the Community

New Marlborough was first settled in 1739 and incorporated in 1759. The town has five distinct villages: Southfield, Mill River, Hartsville, New Marlborough Village, and Clayton. Each village contributes a separate history and set of unique characteristics to this New England town. The natural and cultural resources of the town have long been recognized and valued by residents, and the town's 250th anniversary in 2009 allowed them to celebrate and appreciate their most treasured resources.

Begun as part of the Massachusetts Bay Colony, the township was established along with Tyringham, Sandisfield, and Beckett on June 24, 1737, with a grant whose purpose was to introduce settlers to the lands along the road established between Westfield and Sheffield, which was then the frontier. As more settlers arrived, it was determined that the village of New Marlborough should become the location for a meeting house. The site was located and a deed secured for three acres of land on what is commonly known today as the Village Green. The meeting house, the Old Inn on the Green, and several older homes surrounding the green are part of the National Historic District of New Marlborough Village.

Although a blacksmith shop and brass foundry were located in this village, agriculture was the main occupation throughout the eighteenth and nineteenth centuries. During the late 1800's, a finishing school known as the Southern Berkshire Institute was located in New Marlborough Village. Led by Hildreth Kennedy Bloodgood of New York City, wealthier families began to purchase homes and land in order to vacation here. To this day, much of the preservation work of older homes continues to be accomplished by "seasonal" residents, who contribute to the tax base but usually do not vote in town elections.

In contrast to New Marlborough Village, the village of Mill River followed a more commercial path. Several paper mills were located along the Konkapot River during the mid-1800's and

contributed to the economic growth and population boom of the time. The Town Hall, which is the seat of local government, is located in this village.

Clayton, south of Mill River, has its own industrial history. The Sheffield China Clay Works was founded in 1866. Throughout the late 1800's many of the clay products were exported around the world. Employing as many as seventy-five people, the clay works business declined in the early 1900's for the same reason the mills in Mill River closed-- costly railroad transportation.

The village of Hartsville, once a center of agrarian and industrial pursuits where a sawmill still operates today, is located at the base of Lake Buel. Many summer cottages are located around the Lake. Under the Clean Lakes Act, the towns of New Marlborough and Monterey are working to reduce the level of eutrophication in the Lake and enhance its natural recreational attributes. In 1917, a fish hatchery was opened in Hartsville as part of a state environmental project to concentrate on trout and Atlantic salmon.

Southfield, home of the Town's volunteer fire department (established in 1930), was the site of New England's oldest continually operating tanning works, Turner and Cook, Inc. Located on the Umpachene River, the tannery building is now home to a crafts and retail center named the Buggy Whip Factory.

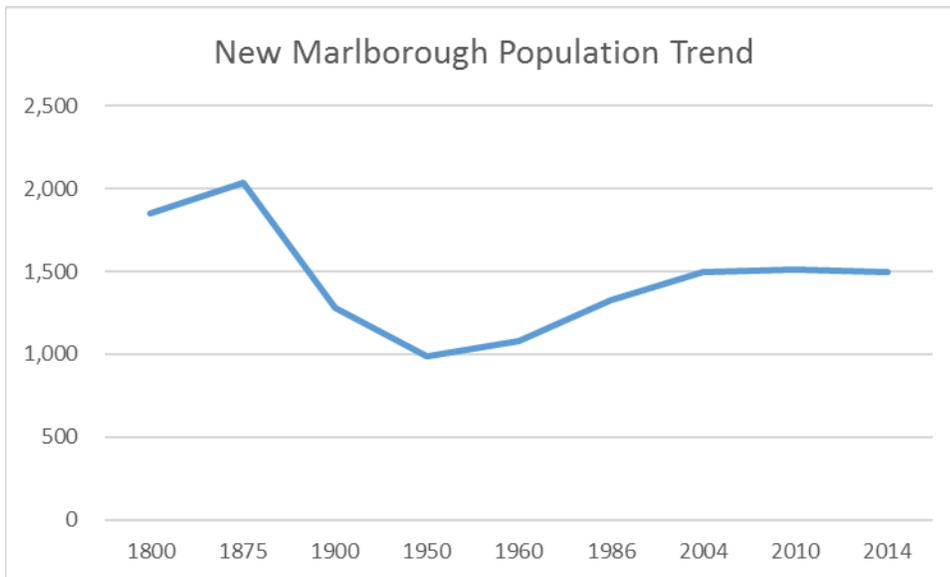
At one time, each village maintained its own post office and at least one schoolhouse. At present, post offices are located in Mill River and Southfield. New Marlborough Central School, located in Mill River, is part of the Southern Berkshire Regional School District. All five villages are rural in nature and the town continues its tradition as a popular location for second home owners (Callahan, 1975.)

.Historic preservation in the town is conducted principally through the efforts of the local Historical Society and Historical Commission, who work with the New Marlborough Land Trust and the Cultural Council. These groups operate in tandem to identify resources, respond to property-owner and resident requests for information on town history, and pursue grants to support projects to highlight and protect town historic resources. The designation of the Upper Housatonic River National Heritage Area, of which the town is a part, created an important new vehicle to organize and implement heritage projects in the town. To date, the town has two designated historic districts in the village centers of New Marlborough and Mill River, generated a walking tour of old mill sites along the Konkapot River, and highlighted the thirteen cemeteries of the town with informational walking tours (NM Comp. Plan 2010).

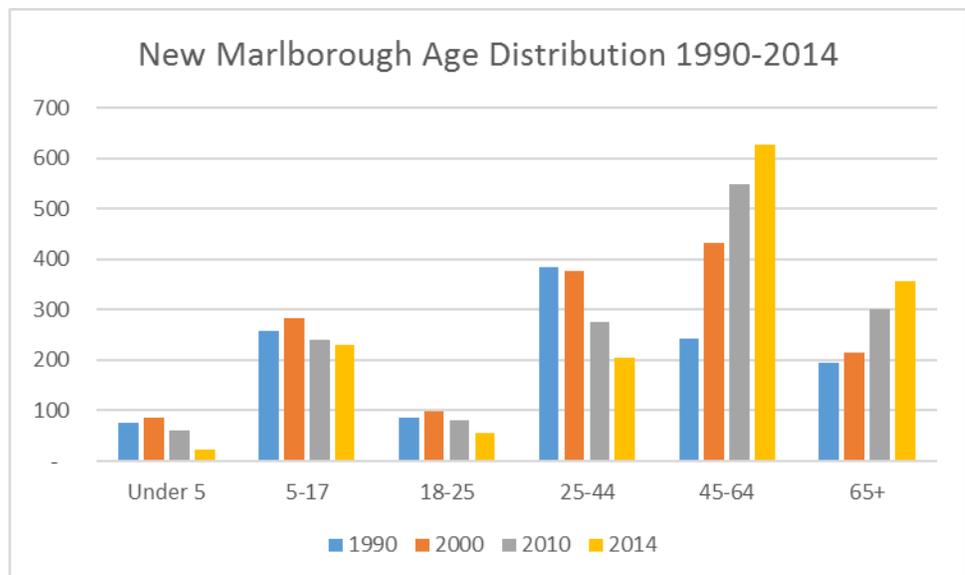
C. Population Characteristics

Historical Populations of New Marlborough

New Marlborough is a small rural community, with a year-round population of 1,497 for the year 2014 (ACS 2010-15 5-yr. est.), which is stable for the years 2004-2014. However, the age of residents have shifted between 1990 and 2014, with the population generally aging. Population losses are seen in residents below the age of 44, with the greatest losses in the 25-44 year old category, with a corresponding gain in residents 45 years or older. New Marlborough, with a median age of 53, is older than Berkshire County (median age 45) and significantly older than the median age in Massachusetts (age 39).

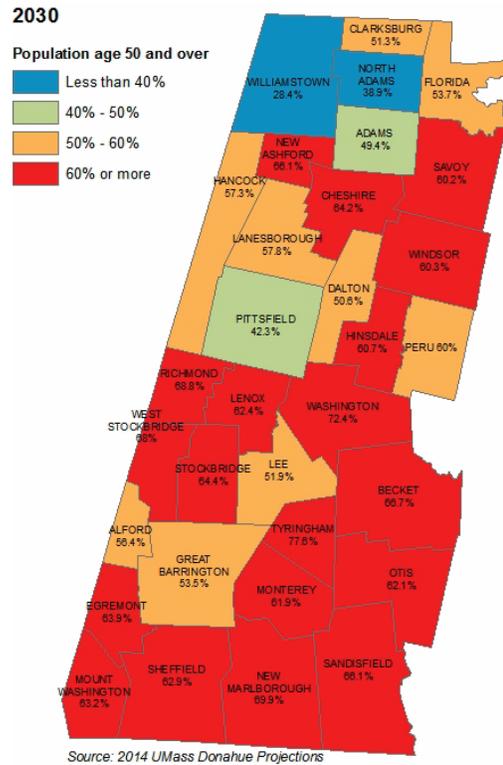
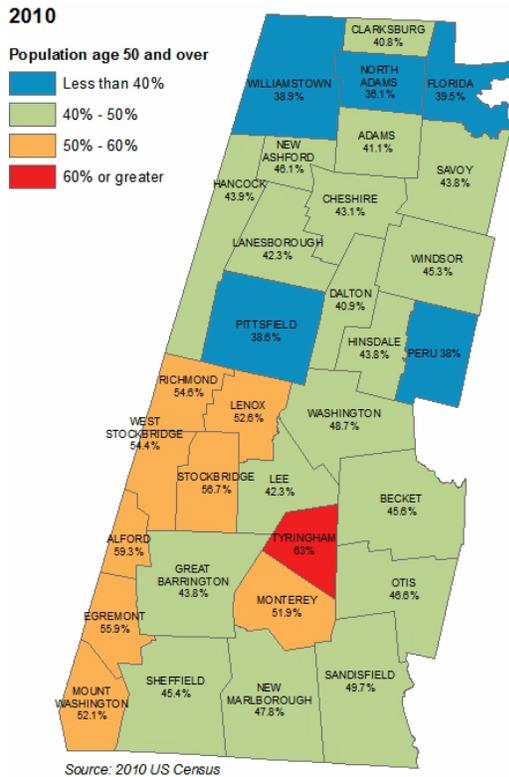


Source: OSRP 2004, U.S. Census 2010, ACS 2010-15 yr. est.



Source: U.S. Census, ACS 2010-15 yr. est.

This trend is reflective of Berkshire County in general, where the majority of the towns in the county will consist of 60% or more of residents 50 years or older (BRPC 2015). The aging of the town's population will have implications for demand for future town services, including outdoor recreational facilities that can attract and accommodate senior citizens.



New Marlborough residents work in a variety of occupations. Of the 783 residents 16 years and older that are employed, the largest segment of the population work in the educational services, health and social assistance category (28%). Other major employment sectors are professional, scientific, management, administrative (14%), construction (12%), retail trade (7%) and finance, insurance, real estate (7%). The median income of for town residents is \$64,599, which is 95% of the state median income. Eight percent of the of people in town with an income in past 12 months are below the poverty level, which is below the state's 11.5% (ACS, 2010-15 5-yr. est.).

The population of the town increases substantially during the summer months. Approximately 40% of the homes in the town are seasonal or second homes (ACS 5-yr).

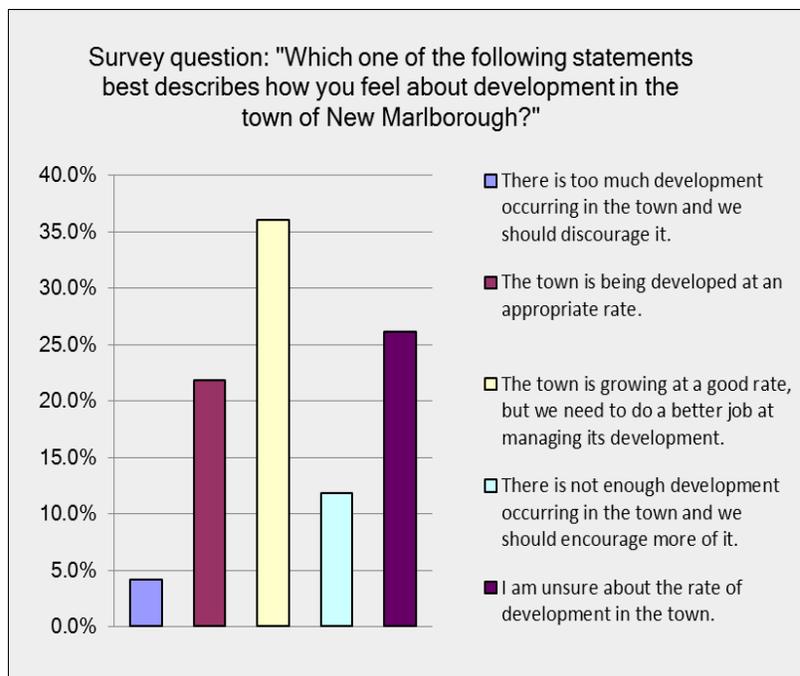
Environmental Justice

There are currently no environmental justice (EJ) neighborhoods, as defined by the Massachusetts Executive Office of Environmental Affairs, located within the Town of New Marlborough. EJ neighborhoods are those that represent areas across the state with high minority, non-English speaking, and/or low-income populations.

D. Growth and Development Patterns

The majority of new development in New Marlborough for the past several decades been residential housing, which in the past 30 years has been scattered along existing roadways. The public survey conducted in the summer of 2016 as part of this open space and recreation planning effort asked residents to gauge the level of development in the town.

Residents from all five villages responded to the survey, providing insight on what is most important to them. Open meadows and farmland were rated as the most important resources worthy of protection, with 26% of respondents voting for this single choice. Each of the other choices received between 13-17% of votes as being most important, with Historic Buildings being the anomaly with zero votes.



Although the vast majority of the working population commutes to sites outside New Marlborough, the town is not without commerce, as tax records indicate that there are over 95 local and in-home businesses. Over half of all businesses fall within one of four sectors: Construction (26.3%), Retail Trade (16.8%), Professional and Business Services (10.5%), and Other Services (e.g., auto repair, home maintenance) (10.5%).

Agriculture is also a significant component of the economy, with 1,300 acres in active production. These farms tend to be small and offer more specialized crops. However, it is important to note that the town lost almost 12% of its farmland between 1990 and 2000. Rural

development trends promise to continue a pattern of agricultural land consumption unless growth management measures are implemented. The town needs to consider how to identify and prioritize areas for land conservation as well as residential and commercial/employment uses (NM Comp. Plan 2010).

The town also has two youth facilities including Flying Cloud Institute which offers year-round programming in arts and science and YMCA Camp Wawa Segowea, which reopened its doors in 2009 after a brief closure.

Transportation System

Three major roads serve the town: Route 57/Hartsville Road, Route 183/Colebrook Road, and Route 272/Norfolk Road. The nearest access to a major highway is Interstate 90 exit 2 in Lee, roughly 20 miles to the north and Route 8 in Winsted, Connecticut approximately 15 miles to the south. The average commute to work is 35 minutes, indicating that residents likely travel to regional commercial hubs such as Great Barrington, Lee, Lenox and Pittsfield in Berkshire County, and Canaan and as far as Harford in Connecticut.

The town is not served by public transportation. The nearest local bus stops are in neighboring Great Barrington.

Water Supply Systems

Most residents in New Marlborough get their drinking water supply through private individual wells. There are two villages that are served by private community water systems, one in Mill River (Mill River Water Takers Association) and the other in Southfield (Southfield Water Company).

The Berkshire Mountain Spring Water company is a private business that withdraws and bottles groundwater in the village of Southfield. The company owns approximately 300 acres surrounding the spring site to protect water quality.

Sewer Service and Septic

State building and public health codes have been established to be protective of water quality and human health, but despite these efforts contamination can occur if septic systems are not designed or maintained properly. Improperly functioning septic systems can contaminate groundwater and surface waters by leaching untreated nutrients and pathogens. Septic systems around Lake Buel have in the past been suspected of negatively impacting water quality, and an outreach program was established several years ago to educate property owners of the importance of proper maintenance of their systems.

Long Term Development Patterns

While the year-round population remains stagnant or is decreasing slightly, the number of housing units continues to rise. According to the U.S. census data there were 936 total housing units in New Marlborough in 2000, 1,039 in 2010 and an estimated 1,059 projected for 2014. The notable trend of land use in the town is the recent shift away from the development pattern that dominated for more than 200 years – that of distinct village centers surrounded by predominantly open rural land. This change can be observed through tracking the location of new development from 1987-1999 (when the state took aerial photos of the town). In 1987, 25% of all structures were located within one of the five village centers; by 1999 this had fallen to 20%. This shift was due to the fact that 83% of new development between 1987 and 1999 occurred in rural areas. During the same time period, the average lot size for residential development in rural areas increased by over 100%. In 1987, the average lot size of developed parcels was two acres. The average lot size of new homes developed between 1987 and 1999 more than doubled to nearly five acres per residence.

New low-density residential development along roadways at the outskirts of village areas is blurring the edge between the villages and surrounding rural areas. This development pattern represents a fundamental shift from a sharper historic village-rural settlement pattern that residents wish to retain. As show in Map G, Development Patterns, in 1987 the densest development was concentrated in the village centers and along major roads. By 1999 development had noticeably shifted to scattered rural sprawl. An option to draw development back to the traditional village settlement pattern could be to create new Village Districts, whereby lot sizes around the village outskirts could be reduced or flexible to take the pressure off of scattered rural development.

The town has a relatively homogenous (single-family) housing stock. In 2006, 94.5% of the town's 1,057 residential units were single-family residences. The multi-family housing that does exist (5.5% of all housing) is two to four units per dwelling. These multi-family units tend to blend with the single-family residences in that they are typically older homes that have been divided into apartments.

While there have been fluctuations in the median sales price during the past eight years, the average annual price has increased by 7.6%. This is particularly notable given the national housing crisis has stagnated or reversed home value trends in other portions of the country and state in the past few years. In 2000, the median home sales price in New Marlborough was \$187,500 and the median household income was \$46,875. More than 30% of the town's homes were seasonal at that time. By 2007, the median home sales price had increased 94% to \$367,500 and further to \$371,900 by 2014 (ACS 2010-2015 5-yr est) while the median household income rose only 26% to \$56,800 in 2007 and to \$64,559 in 2014 (ACS). All new

housing since 2000 was developed in rural areas outside of village centers (NM Comp. Plan 2010).

Section 4

Environmental Inventory and Analysis

A. Geology, Soils and Topography

Topography

Due to the location of the town on the western edge of the Berkshire Plateau, the land generally has an uneven, rolling profile, dominated in the north and mid-section by large hills: Dry Hill (1850 feet), Woodruff Mountain (1727 feet), and Leffingwell Hill (1470 feet). The Konkapot River carves north-south through the western third of the town and has created winding valleys with short, steep hillsides, particularly near the confluence of the Umpachene River and near Benton Hill (1410 feet) to the south. The north-west/ south-east alignment of the many hills reflects the scouring action of glacial advance 23,000 years ago. The sand and gravel deposits near Hartsville in the north and along the Umpachene and Konkapot in the south are remnants of the glacier's retreat 13,000 years ago. Wetlands and marshes between hills cover significant areas of the southeastern section of town.

Bedrock Geology: The lower elevations of New Marlborough are part of the Western New England Marble Valley ecological region. Due to the marble/limestone bedrock material, this region is one of the most biologically rich ecoregion in the state and throughout New England, supporting a high percentage of state-listed plant and animal



NATURAL RESOURCES A GLANCE

New Marlborough's landscape is extremely diverse, hosting a great many species of plants and animals

- **Protected Plant Species** – 29 vascular plant species that are either endangered, threatened or of special concern reside in the town. An additional 23 species are on the state's Watch List.
- **Protected Animals** – 15 animal species that are endangered, threatened or of special concern reside here.
- **Vernal Pools** – 20 certified vernal pools, important habitats for rare amphibians. An additional 64 potential vernal pools identified but not been certified for protection.
- **Cold Water Fisheries** – 7 streams flowing through the town provide habitat for trout and other cold-water species.
- **Priority Natural Communities** – 4 uncommon plant communities, all associated with streams.

species in the state. The hills along the eastern portion of the town lies within the Lower Berkshire Hills ecoregion, which is linked with valuable unfragmented ridgelines running south and northward towards northern New England and Canada (NHESP, 2011). The Gniessic and Schistose bedrock of the hills and ridgelines are more resistant to erosion and weather.

Surface Geology: Much of New Marlborough is covered by unconsolidated deposits left by continental glaciation which scoured bedrock and eroded material. Glacial till covers the land up to fifty feet thick in places, and is notable for its yellow-brown sandy clay, pebbles, and boulders. Especially along the Konkapot and Umpachene Rivers, there are more recent deposits of alluvium (brownish gravel and fairly well sorted silt) and organic materials form the surface soils.

Of particular interest are the kames located along the Konkapot to the east of Mill River. These are sand and gravel mounds, some as much as fifty feet high, left behind by the streams that flowed from the glacial ice. Also along the Konkapot, Umpachene, and Whiting Rivers are closely-associated stream terrace deposits left from the glaciers.

Aquifers located in association with the kames flow freely beneath the sand and gravel deposits. These deposits allow for rapid downward movement of water as well as superb upward movement of water for drinking supplies. These areas of excellent drainage are important to protect from development due to the high potential for groundwater contamination (Holmes and Newman, 1971).

Soils

Berkshire Marlow Association: These soils, formed in glacial till that had been derived from schistose rock, contain many fragments of mica schist. These are deep, well-drained, and very stony soils. In New Marlborough, these soils are found on steep slopes (15% to 45%), typically on Dry Hill, Leffingwell Hill, and along the Monterey border to the north.

Lyman-Tunbridge Association: Generally shallow to bedrock (usually less than twenty inches), this association also developed in glacial till derived from schistose rocks. Outcroppings of bedrock occur between the flat areas of Tunbridge soils and the extremely stony, shallow areas of Lyman soils. Large portions of New Marlborough contain these soils, particularly Woodruff Mountain, the Benton Hill area, and much of the eastern half of town where steep (15% to 45%) slopes occur.

Peru-Marlow Association: These, too, are soils developed in glacial till derived from schistose rocks. The Peru soils have a seasonally high water table, within eighteen to thirty inches of the surface for four months of the year. This is due to excess water seepage from other areas

which then lies near the surface and is trapped by the hardpan, characteristic of Peru soils. These soils are found throughout the town, particularly on Brush Hill, across most of the Thousand Acre Swamp region, and along the rolling (3% to 15%) slopes of the Sandisfield line.

Pillsbury-Whitman Association: Both deep and very poorly drained due to underlying hardpan, Pillsbury-Whitman soils contain many boulders and stones and are typically found at the base of slopes. This association is located mainly in the southeast corner of town.

Amenia Series: Moderately well-drained soils developed in calcareous glacial till (resembling calcite or containing calcium), these soils contain limestone, schist and phyllite fragments. They are underlain by a silt loam hardpan and thus have slow permeability and high water table for four months of the year. In New Marlborough, these soils are found along the Konkapot and along the Umpachene, and east of Lumbert Cross Road. Much of the southern slope of Brush Hill is covered with the Amenias series.

Prime Agricultural Soil: Few soils in New Marlborough are classified as “prime agricultural soil.” Classification is based on characteristics of soil composition, depth, fertility and drainage qualities. In New Marlborough, these soils include Amenias silt loam, Copake fine sandy loam, Hero loam, Merrimac loam, Pittsfield loam, and Winsooski silt loam. All but the very last were developed in glacial till derived from limestone, schistose and some phyllitic origins. All are found on gentle slopes of 1% to 8%, making them less susceptible to erosion. Their importance as a local and regional resource cannot be overstressed. They are exceptional soils that can be farmed continuously without degradation to the environment. These soils can produce the most food for the least effort and respond well to agricultural practices without leaching.

Typically, development occurs on prime soils because they are level, well-drained, and relatively free of stones. In New Marlborough these prime agricultural soils occupy a narrow strip of land all along the Konkapot River and along the Umpachene just north of Southfield. Scattered fields along the Whiting River also contain prime agricultural soils as do several open fields around Hartsville.

Because New Marlborough is primarily a hill town, the types of soils and slopes potentially limit the activities which require septic systems. Over 80% of the town has a theoretical limitation because of the characteristic shallow depth to bedrock of the Peru, Lyman, and Pillsbury soils. For example, limitations for septic systems exist around Lake Buel because of the potential for eutrophication of the lake due to excessive nutrient seepage. Slopes over 15% also limit development in much of the town. Since much of New Marlborough’s soil is sensitive to disturbance, activities that damage the vegetation and its capacity to stabilize soils need to be carefully sited to avoid damage (USDA NRCS, 1983, as noted in the New Marlborough Open Space Plan, 2014).

B. Landscape Character

New Marlborough is predominantly forested (77% of land cover), with scattered waterbodies and wetlands covering approximately 9.7% and agricultural and open lands covering another 9.6%. Residential development comprises 3% of land use cover and commercial/industrial lands are approximately 0.5%. The quiet and rural character of the town is one of its greatest assets, being highly prized by residents who participated in the public participation processes for the recent master plan and this current open space and recreation plan.

Forested peaks of Dry Hill, Leffingwell Hill, Benton Hill, Brush Hill, and Woodruff Mountain dominate the landscape. The peaks of these hills and mountains offer breathtaking views to the Berkshire foothills to the east, Mt. Everett to the west, and meandering valleys in between. Their hillsides are most clearly visible from the many scenic roads that wind through the valleys.

The remainder of town is characterized by rolling hills, rocky slopes, and smaller valleys, with babbling brooks, marshes, wetlands, and quiet ponds. Much of the landscape was previously cleared for fuel resources and farmland, but most of the farms have been abandoned and secondary growth and mixed hardwood and softwood forests have reclaimed these areas. Isolated fields are still hayed periodically and the vistas they afford add enormously to the rural character of the town. Abandoned mill sites and extensive stone walls line the rivers and country lanes that weave through the landscape. The former fields and now dense forests offer attractive and valuable wildlife habitat as well as aesthetic appeal.

The reforested landscape of New Marlborough forms a large relatively unfragmented block of habitat, part of a large mosaic that reaches from the northern Appalachians through New England and upstate New York to Canada. This large block of habitat is critical to the biodiversity of the Northeast and beyond, providing wildlife habitat and travel corridors. These wild areas will become increasingly invaluable to some species as they migrate northward or to higher elevations to survive the seasonal shifts and temperature increases of climate change.

As noted by the Massachusetts Natural Heritage & Endangered Species Program (NHESP), New Marlborough hosts a number of unique or uncommon natural habitats that shelter a large number of plant and animal species. Three documents found within **Appendix ___** provide details on the ecological importance of these habitats and their geographical location within the town.

1. *BioMap2, Guiding Land Conservation for Biodiversity in Massachusetts, New Marlborough* (2011). Given the extremely high biodiversity of the Housatonic River

Watershed, NHESP embarked upon a watershed-wide planning effort to aid communities in prioritizing areas that warrant special conservation focus. NHESP scientists prioritized areas considering habitat importance, habitat size and relative natural condition, and other biodiversity indicators. The result was to create Priority Conservation Areas for each town within the watershed.

2. *Biomap 2, Conserving the Biodiversity of Mass. in a Changing World, New Marlborough (2012)*. This document focuses on documented rare species occurrences within the town.
3. *Letter from Karro Frost, NHESP Conservation Botanist, (2016)*. This letter provides a detailed summary of the most recent natural heritage information that is on file with the NHESP. As Ms. Frost notes in her letter, NHESP's database is constantly updated and the list of species of concern in this document may be slightly different than that of the two BioMap2 documents of 2011 and 2012.

C. Water Resources

Watersheds

The vast majority of New Marlborough lies within the Housatonic River Watershed, the largest watershed in Berkshire County. The Konkapot River is the main river flowing through the town, flowing through Hartsville, Mill River and Clayton. The Umpachene River is a major tributary of the Konkapot. The Whiting River, in the southern portion of the town, joins the Housatonic River in Connecticut. Sandy Brook and York Lake, on the very eastern border of the town, are part of the Farmington River Watershed, the only waterways in the town that are not part of the Housatonic River Watershed. Refer to Map 6, Water Resources, to see subwatershed boundaries.

The town hosts several ponds, which provide important aquatic habitat for common and rare species. Lake Buel, which the town shares with Monterey to the north, is open to boating, fishing, and swimming, and is one of the most frequented sites in New Marlborough. York Lake, in the eastern part of town, is also a favorite recreation area for local residents. Privately owned Windemere Lake, a developed area in the southeast part of town, is not open to public recreation.

Rivers and Streams

There are two main rivers in New Marlborough, the Konkapot and the Umpachene. The Konkapot River bisects New Marlborough along its north-south axis. The Konkapot drains Lake

Garfield and Stedman pond, both located in the north-bordering town of Monterey, and Lake Buel and Harnet Pond also contribute to its fast flowing, narrow waters. In the central part of town, just south of the village of Mill River, the Konkapot is joined by the Umpachene River. Just before the confluence of these two rivers is a popular, easily accessible recreation area known as Umpachene Falls. These dramatic waterfalls tumble over stone steps through a beautifully vegetated gorge for a mile and a half. This six-acre, town-owned park is highly valued by residents for its scenic beauty as well as its recreational opportunities such as swimming, fishing, picnicking, and hiking.

Other significant rivers and streams such as Ironwork Brook, Whiting River and Rawson Brook offer fewer opportunities for recreation, due to limited access. All the major streams and rivers in New Marlborough have been designed by the Department of Fish and Game as Cold Water Fisheries, a dwindling habitat that is the last bastion for the region's native brook trout and other cold-water species. Few other towns in Massachusetts can boast of having so many miles of cold water habitat. It will be increasingly important to maintain forest cover along these waterways to provide shade to help maintain cold water temperatures climate change brings ever-warmer temperatures.

Surface Waters and Wetlands

New Marlborough hosts several open water lakes and ponds, many of which are open for public recreation. Lake Buel, shared with the town of Monterey, is a cold-water lake, which is unusual for Massachusetts. It is an area of great recreational opportunity for residents and visitors. Its well-populated southern shore front and southeastern bay form the northern border of New Marlborough. The lake covers approximately 195 acres with a maximum of 42 feet deep and an average depth of 20 feet. The lake is accessible to the public via a paved boat launch located in Monterey. Long expanses of the shoreline is developed with residential homes.

Juniper and Wahley Ponds flow northwestern out of the town and into neighboring Great Barrington. Harnet Pond is a privately owned, 33-acre pond located in the Umpachene River watershed. Harmon Pond, located just east of Cleveland Mountain in the south-central part of town, is 23 acres in size and 15-33 feet deep. It is owned and used by the YMCA for summer camp activities and is not open to the general public.

The Whiting River watershed hosts four ponds. Windemere Lake, a privately owned man-made lake, has been partially developed as an exclusive private residential neighborhood. It is approximately 100 acres and drains into Thousand Acre Swamp. Classified as a pond and located in Cookson State Forest, Thousand Acre Swamp is a water body of high recreational value to local residents. It is 4 to 9 feet deep and 155 acres in size and offers great warm water habitat for bass. East Indies Pond, also located in Cookson State Forest, is a not as heavily

used for swimming or boating but does provide for year-round fishing. Because of their location within the state forest, both these water bodies have shorelines that are undeveloped, offering a natural setting.

Cookson Pond is another artificial pond, with waters flowing into the Whiting River in the southern part of town just west of Cookson State Forest. It is a privately owned pond with a twenty-two-foot-high dam controlling the level of water.

York Lake, part of the Farmington River Watershed, is 36 acres in size and approximately 6 to 16 feet deep. Located in the Sandisfield State Forest, it offers recreational opportunities such as non-motorized boating, fishing and swimming in the summer, and ice fishing and cross-country skiing in the winter. This lake is easily accessible from Routes 57 and 183.

Flood Hazard Areas

According to the town's hazard mitigation plan, there are 2,230 acres of 100-year floodplain within the town, amounting to 7.3% of the town's total area (refer to Water Resources Map 6). Within this area 56.2 acres (2.5%) of the floodplain are developed. Future development that occurs within the floodplain should obtain a wetlands permit for work within Land Subject to Flooding under the state Wetlands Protection Act. New Marlborough is one of only a very few in Berkshire County that does not have a floodplain bylaw to restrict or guide development or to require flood storage compensation.

Aquifer Recharge Areas

Because of its varied geological conditions, New Marlborough's groundwater is found in widely differing conditions, depths, and quantities. The valleys of the Konkapot and Umpachene Rivers provide excellent examples of stratified, unconsolidated material from glacial times. Found in these pockets of coarse gravels within outwash deposits are sources of large quantities of water. The deposits underlay all of Mill River Village and follow roughly the thousand-foot contour at the western foot of Leffingwell Hill, and could yield as much as 40 gallons per minute (GPM). Similar yields may be available in the extensive outwash deposits which extend from Clayton to Konkapot. The area just southeast of Hartsville, however, may produce the most significant groundwater yields, well over 40 GPM. The gneissic bedrock beneath most of the town yields differing and significantly smaller amounts of water. Along fault lines and fractures, some successful wells have been developed. Higher yields have generally been reached in the limestone bedrock of the town's western section, where porous fractures have been opened up by solution. These are areas of recharge where the aquifer receives replenishing surface waters in the gravel slopes along the Konkapot and Umpachene Rivers, in the wetlands in the southeast part of town, and probably in the area around Lake Buel (Holmes and Newman, 1971, as cited by Town Marlborough 2004).

There is only one known aquifer in the town and it is associated with the Upper Konkapot River watershed located just south of Hartsville Village. This information is based on a U.S. Geologic Survey hydrologic atlas series on groundwater favorability that was begun in the 1960s. According to this series this aquifer is a medium-yield aquifer with a yield of between 100-300 gallons per minute. As shown in the Soils Map of this plan the soils overlaying this aquifer are excessively draining soils, indicating that the aquifer could be vulnerable to contamination from surface or subsurface pollution, such as road runoff, fuel spills, septic systems or underground fuel storage tanks.

There are 18 non-residential public water supplies in town (see Water Resources Map), each with an Interim Wellhead Protection Area (IWPA) radius of at least 750 feet. These sites include restaurants, camps and schools. Additionally the Berkshire Mountain Spring Water company on Norfolk Road maintains a public water supply at which is bottles water for sale to commercial and residential customers. The company sells its water in bulk containers for use in water fountains and also in individual bottle sizes.

The Mill River Water Takers Association has a drinking water source with a Zone II Wellhead Protection Area, which is the area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can reasonably anticipated. There has been no hydro-geologic modeling study on the groundwater in New Marlborough. The sand and gravel deposits around the Konkapot and Umpachene Rivers, mentioned above, may contain aquifers but this has not been confirmed by a geologist or hydrologist.

D. Vegetation

The varied soil types across New Marlborough in conjunction with differences in elevation and historical land use have contributed to a wide diversity in plant communities. Most of the open space in New Marlborough is a mixture of northern hardwood and softwood forest with large agricultural openings and a few select open waters and wetlands. The large amount of forest cover in combination with scattered wetland and water systems create diverse areas of plant life, including 51 state-listed species, a variety of wildlife habitats, and recreational opportunities for residents and visitors. Maintaining land in forest or other vegetative cover helps to limit erosion and protect surface and groundwater quality.

Priority Natural Communities

New Marlborough is fortunate to host a wide variety of natural resources, including forests, wetlands and cold water fisheries. This variety of habitats provide habitat for common plant assemblies and animals, as well as habitats that support over 40 different rare species.

According to the Massachusetts Natural Heritage & Endangered Species Program (NHESP), Natural Communities are recurring assemblages of plants and animals in similar chemical, moisture, geological, and topographic environments. Occurrences of uncommon types – called Priority Natural Communities - are considered to be priority for statewide conservation. Four Priority Natural Communities occur in New Marlborough and all of these are associated with the stream or wetland resources in town. (Karro, 2016).

Table __: Priority Natural Communities

Plant Community	Mass. Endangered Species Act Ranking	Most Recent Observation
Calcareous Seepage Marsh	S2	1991
Red Spruce Swamp	S3	2010
Spruce-tamarack Bog	S2	2000
Shallow Emergent Marsh	S4	1999

Forest Land

The evergreen forest canopy consists primarily of white pine, hemlock, balsam fir, and above 1,200-foot elevation, red spruce. The deciduous components are mainly sugar maple, yellow and black birch, red oak, black cherry, hickory, beech, and white ash. Aspens and paper birches are also common, primarily along roads and field edges. Relatively pure stands of hemlock dominate the north-facing slopes and higher elevations. Mixed evergreen/deciduous forest increase as one moves into lower elevations. The understory is generally sparse and consists primarily of striped maple, witch hazel, ironwood, and mountain laurel. The herbaceous layer, too, is rather sparse, especially when hemlock, spruce, and pine are abundant; plants include intermediate fern, blue-bead lily, painted trillium, and wood sorrel.

Sandisfield State Forest and Cookson State Forest offer some hiking and off-road vehicle trails within their boundaries, but access is limited and their amenities are not widely known among residents or visitors.

Wetland Vegetation

Within New Marlborough there are three types of wetland, distinguished by their associated vegetation—marshes, shrub swamps, and tree swamps. Marshes have a year-round water depth of six inches to three feet; they contain hydrophilic grasses, sedges, horsetails, pond lilies, pickerel weed, and cattails. Shrub swamps, composed of silky dogwood, button bush, alders, and willows, are often dry in the summer and covered with up to one foot of water during flooding. Tree swamps succeed shrub swamps as silt and organic matter accumulate. They typically contain red maple, sourgum, and cottonwood, with an understory of swamp

azalea, willows, spicebush, and winterberry. These wetlands experience seasonal flooding and their vegetation and soils function as sponges to absorb and slowly release excess floodwaters. They also function as pollution filters and groundwater protectors, and provide habitats for fish and wildlife.

The wetlands of New Marlborough are located extensively in the southeast part of town, as a part of the Whiting River watershed, and between the Konkapot River and Clayton in the lower Konkapot River watershed. Wolf Swamp, Thousand Acre Swamp, East Indies Pond, and Hay Meadow Pond are all part of the Whiting River watershed. The gorges of the Whiting, particularly Campbell's Falls, provide habitat to diverse flora normally found in more northern climates. Wolf Swamp is listed as Core habitat and is of particular importance for its valuable peatlands.

Bordering vegetated wetlands occupy extensive acreage along many of the streams in New Marlborough. An indication of the extent of wetlands can be obtained from a cursory study of the hydric soils. These soils, identified as the Pillsbury-Whitman Association, follow streambeds and low-lying areas between hills. While all areas of this soil do not function as wetlands, these soils will support wetland vegetation because of their high water table through many months of the year.

Wetlands bordering a perennial stream or at the headwaters of an intermittent stream are currently protected by the Massachusetts Wetlands Protection Act. The Natural Heritage and Endangered Species Program conducted a survey showing 64 potential vernal pools within New Marlborough. None are certified, thus these potential vernal pools are not protected by the Massachusetts Wetland Protection Act (Biological Resources Map). Vernal pools are temporary bodies of fresh water that provide critical habitat for many vertebrate and invertebrate wildlife.

Agricultural Land

Agricultural fields and pastures represent a small and shrinking percentage of the town's acreage, since dairy farming has decreased dramatically. The lower portions of the Konkapot and Whiting Rivers still meander through valleys of hay and corn; other remaining agricultural fields are generally in cultivation for silage for local livestock rather than grain. Some orchards persist and several small pastures for cattle and horses are currently maintained. There are post-agricultural fields in New Marlborough as well currently undergoing the process of secondary succession. This land has not been tilled for many years or may have been mowed occasionally, but the woody, perennial species like birches, aspens, dogwood, elderberry, and multiflora rose and larger herbaceous vegetation such as thistle, goldenrod and ragweed have taken over. Although residents would like to see full retention of the remaining farms in town,

farms and agricultural fields that enhance the rural character and provide scenic views are only temporarily protected under Massachusetts General Law Chapter 61A, or remain completely unprotected

Rare Species

The National Heritage Inventory identifies 51 plant species and 15 animal species that have been documented in New Marlborough that are threatened, endangered, or of special concern. While these species are found in a mix of habitats, most rely on wetland resources and their adjacent uplands to survive and complete their life cycles. These include all of the bird, reptile, amphibian, fish, crustacean and dragonfly/damselfly species, and many of the vascular plant species. One of the rare bat species forages heavily on aquatic flying insects. It is therefore important that wetland resources and their surrounding landscapes be protected for the long-term survival of these populations.

Table __: Rare Species and Species of Concern

Taxonomic Group	Scientific Name	Common Name	MESA Status	Most Recent Sighting
Amphibian	<i>Ambystoma jeffersonianum</i>	Jefferson Salamander	SC	2008
Bird	<i>Botaurus lentiginosus</i>	American Bittern	E	2008
Bird	<i>Haliaeetus leucocephalus</i>	Bald Eagle	T	2015
Crustacean	<i>Stygobromus borealis</i>	Taconic Cave Amphipod	E	1983
Crustacean	<i>Stygobromus tenuis tenuis</i>	Piedmont Groundwater Amphipod	SC	1991
Dragonfly/Damselfly	<i>Ophiogomphus aspersus</i>	Brook Snaketail	SC	2009
Dragonfly/Damselfly	<i>Ophiogomphus carolus</i>	Riffle Snaketail	T	2009
Fish	<i>Catostomus catostomus</i>	Longnose Sucker	SC	2002
Fish	<i>Notropis bifrenatus</i>	Bridle Shiner	SC	2011
Mammal	<i>Myotis lucifugus</i>	Little Brown Myotis	E	2015
Mammal	<i>Myotis septentrionalis</i>	Northern Long-eared Bat	E	2000
Mammal	<i>Perimyotis subflavus</i>	Tricolored Bat	E	2015
Mammal	<i>Sorex dispar</i>	Rock Shrew	SC	1986
Reptile	<i>Clemmys guttata</i>	Spotted Turtle	WL	1986
Reptile	<i>Glyptemys insculpta</i>	Wood Turtle	SC	2013
Vascular Plant	<i>Acer nigra</i>	Black Maple	WL	1989
Vascular Plant	<i>Adlumia fungosa</i>	Climbing Fumitory	SC	2012
Vascular Plant	<i>Agastache scrophulariifolia</i>	Purple Giant Hyssop	E	1920
Vascular Plant	<i>Agrimonia pubescens</i>	Hairy Agrimony	T	2007
Vascular Plant	<i>Arceuthobium pusillum</i>	Dwarf Mistletoe	SC	2009

Vascular Plant	<i>Betula pumila</i>	Swamp Birch	E	1978
Vascular Plant	<i>Bidens beckii</i>	Water Marigold	WL	1912
Vascular Plant	<i>Boechea laevigata</i>	Smooth Rock-cress	SC	1990
Vascular Plant	<i>Botrychium tenebrosum</i>	Swamp Moonwort	WL	1984
Vascular Plant	<i>Calystegia spithamea</i>	Low Bindweed	E	1912
Vascular Plant	<i>Carex aquatilis</i> var. <i>substricta</i>	Water-Sedge	WL	1920
Vascular Plant	<i>Carex baileyi</i>	Bailey's Sedge	T	Historic
Vascular Plant	<i>Carex cristatella</i>	Crested Sedge	WL	2007
Vascular Plant	<i>Carex davisii</i>	Davis' Sedge	E	Historic
Vascular Plant	<i>Carex diandra</i>	Panicled Sedge	WL	1916
Vascular Plant	<i>Carex oligocarpa</i>	Rich Woods Sedge	T	1912
Vascular Plant	<i>Carex pauciflora</i>	Few-flowered Sedge	E	1913
Vascular Plant	<i>Carex retrorsa</i>	Hooked Sedge	WL	1987
Vascular Plant	<i>Carex tuckermanii</i>	Tuckerman's Sedge	E	2007
Vascular Plant	<i>Clematis occidentalis</i>	Purple Clematis	SC	1915
Vascular Plant	<i>Conioselinum chinense</i>	Hemlock Parsley	SC	1988
Vascular Plant	<i>Cypripedium reginae</i>	Showy Lady's-slipper	E	1913
Vascular Plant	<i>Desmodium cuspidatum</i>	Large-bracted Tick-trefoil	T	1989
Vascular Plant	<i>Eleocharis intermedia</i>	Intermediate Spike-sedge	T	1988
Vascular Plant	<i>Equisetum pratense</i>	Meadow-horsetail	WL	1989
Vascular Plant	<i>Equisetum scirpoides</i>	Dwarf Scouring-rush	SC	2007
Vascular Plant	<i>Equisetum</i> <i>variegatum</i> ssp. <i>variegatum</i>	Variegated Scouring Rush	WL	1989
Vascular Plant	<i>Eragrostis frankii</i>	Frank's Lovegrass	SC	1987
Vascular Plant	<i>Helenium autumnale</i>	Common Sneezeweed	WL	1988
Vascular Plant	<i>Heteranthera dubia</i>	Water Star-grass	WL	1979
Vascular Plant	<i>Juglans cinerea</i>	Butternut	WL	2010
Vascular Plant	<i>Lupinus perennis</i>	Wild Lupine	WL	1919
Vascular Plant	<i>Maianthemum trifolium</i>	Three-leaved Solomon's Seal	WL	1990
Vascular Plant	<i>Minuartia michauxii</i>	Michaux's Sandwort	T	Historic
Vascular Plant	<i>Morus rubra</i>	Red Mulberry	E	1920
Vascular Plant	<i>Panicum</i> <i>philadelphicum</i> ssp. <i>philadelphicum</i>	Philadelphia Panic-grass	SC	1920
Vascular Plant	<i>Parietaria pensylvanica</i>	Rock-pellitory	WL	1989
Vascular Plant	<i>Penstemon hirsutus</i>	Hairy Beardtongue	E	1919
Vascular Plant	<i>Populus</i> <i>balsamifera</i> ssp. <i>balsamifera</i>	Balsam-poplar	WL	1989
Vascular Plant	<i>Potamogeton friesii</i>	Fries' Pondweed	E	Historic
Vascular Plant	<i>Ranunculus pensylvanicus</i>	Bristly Buttercup	SC	1988

Vascular Plant	<i>Ribes americanum</i>	Wild Black Currant	WL	2007
Vascular Plant	<i>Ribes triste</i>	Swamp Red Currant	WL	1983
Vascular Plant	<i>Salix candida</i>	Hoary Willow	WL	1978
Vascular Plant	<i>Salix serissima</i>	Autumn Willow	WL	1988
Vascular Plant	<i>Solidago hispida</i>	Hispid Goldenrod	WL	1912
Vascular Plant	<i>Sparganium fluctuans</i>	Floating Bull-reed	WL	Historic
Vascular Plant	<i>Sphenopholis nitida</i>	Shining Wedgegrass	T	1912
Vascular Plant	<i>Sporobolus neglectus</i>	Small Dropseed	E	2009
Vascular Plant	<i>Trichomanes intricatum</i>	Appalachian Bristle-fern	E	2010
Vascular Plant	<i>Viola renifolia</i>	Kidney-leaf Violet	WL	Historic

SC = Special Concern T= Threatened E= Endangered WL= Watch List

Source: Frost 2016. Regional and Statewide Vegetation Mapping Projects

BioMap2

The Massachusetts Division of Fisheries and Wildlife (DFW), through the Natural Heritage & Endangered Species Program (NHESP) and The Nature Conservancy's Massachusetts Program, developed *BioMap2* to protect the state's biodiversity in the context of climate change.

BioMap2 combines NHESP's thirty years of rigorously documented rare species and natural community data with spatial data identifying wildlife species and habitats that were the focus of the DFW *State Wildlife Action Plan*. NHESP identified Core Habitat areas that are critical for the long-term persistence of rare species. Also identified were Critical Natural Landscapes, which are large natural areas surrounding or adjacent to Core Habitats, buffering the important elements of Core Habitat from development or other disturbances. The location of these areas within New Marlborough can be found on Map F, Vegetation, Fisheries and Wildlife.

Protection and stewardship of *BioMap2* Core Habitat and Critical Natural Landscape is essential to safeguard the diversity of species and their habitats, intact ecosystems, and resilient natural landscapes across Massachusetts. The two *BioMap2* reports can be found in [Appendix ___](#).

Natural Heritage and Endangered Species Program Town Plans

NHESP has developed summary reports for each municipality in the state to guide municipal officials and local conservation groups in their efforts to protect sensitive species habitat. Two reports *BioMap 2, Guiding Land Conservation for Biodiversity in Massachusetts, New Marlborough (2011)* and *BioMap 2, Conserving the Biodiversity of Massachusetts in a Changing World, New Marlborough (2012)*, describe in detail where rare species habitats are located and where focused conservation efforts would be most valuable for long-term resiliency. In general NHESP's Priority Conservation Areas are located along the length of the Konkapot River, with a large area extending up along the areas around Juniper and Wahly Ponds and their associated wetlands. A large area surrounding the Canaan Valley and Rhodes & Bailey Road junction another PCA, chosen because of the diverse critical habitats that that are located

in this area, including the largest calcareous seepage marsh (an imperiled type of wetland) in Massachusetts, the imperiled Spruce-Tamarack Bog, clusters of vernal pools that support a very rare salamander, and marshy areas that harbor an endangered bird. Much of land is enrolled in the Chapter 61 and 61A tax abatement program, but none of the land is permanently protected from development. The third PCA is in the southeastern corner of the town, within and expanding eastward from Cookson State Forest.

E. Fisheries and Wildlife

Inventory

New Marlborough is home to a great variety of upland, aquatic, and wetland wildlife species, ranging from small invertebrates to large mammalian predators. These animals add to the rural character of the town, provide hunting and fishing opportunities for the residents, and act as indicators of the overall health of the ecosystems in New Marlborough.

The terrestrial upland species include white-tail deer, red squirrel, flying squirrel, owl, wild turkey, Cooper's hawk, ruffed grouse, fox, and snowshoe hare. Rodents range from voles to porcupines to weasels. Bobcats, coyotes, and black bears have all been sighted during the last several years as well. Songbirds include tanagers, siskins, grosbeaks, nuthatches, titmice and vireos.

The open upland meadows and pastures, particularly along hedgerows or where forest becomes field, are home to deer, red and grey fox, coyotes, woodchucks, cottontail rabbits, mice, voles, owls, hawks, garter and black racer snakes, and long-tailed shrew. These areas are home to numerous songbirds as well, including sparrows, warblers, finches, bobolinks, and meadowlarks.

Beavers, otters, Canada geese, herons, muskrats, minks, turtles and amphibian species inhabit the ponds and streams of New Marlborough. The diversity of wildlife species is greatly aided by the presence of a number of undeveloped areas where the animals and their habitats are relatively undisturbed. Between the protected areas are gaps that, if developed, will fragment habitats and interrupt or prevent the movement of species. New Marlborough hosts 15 animal species are listed by NHESP as endangered, threatened, of special concern or watch-listed.

Vernal Pools

As described in the Becket Open Space and Recreation Plan (Becket Open Space Committee, 2007) vernal pools are ephemeral wetlands which fill annually from snowmelt, rain and the rising ground-waters of spring and early summer. Most years the pools completely dry out by

mid-to-late summer. Because they are wet only a portion of the year, vernal pools often go unrecognized as important habitat and are filled in during development construction.

Some of the state's rarest amphibians are completely dependent upon vernal pools for their breeding grounds, including the mole salamanders (Jefferson, spotted, marbled salamanders) and some species of freshwater snails, clams and other invertebrates. For a rare species with a narrow or small distribution, a specific vernal pool may be the only place in the region or on earth that the creature is found. If that pool is destroyed, that specific population of creatures could become locally extinct. Because many of the region's rarest amphibians rely completely on vernal pools, it is important to identify vernal pools and prioritize those known to support rare species for protection.

The most effective way to protect vernal pools is to study and certify them. The certification by NHESP provide the pools and their surrounding area some protection from development. Vernal pools that are associated with Wetland Resources are afforded some protection of the Mass. Wetland Protection Act. However, small isolated pools not associated with a Wetland Resource are not protected. According to NHESP, before wetland-associated vernal pools were incorporated into the Act in 1987, many of them were filled in for development. Because of the strong bond between amphibians and their natal pools, many animals that were dependent on those pools were unable to breed, and the local populations became extinct.

There are 20 certified vernal pools in New Marlborough with another 65 sites that have been identified as potential vernal pools. Although a few potential vernal pools are located on lands that are permanently protected from development, the majority are located on lands that are unprotected or under the Chapter 61 and 61A program and are thus vulnerable to development. Two clusters of potential vernal pools are located on lands owned by Camp Wawa Segowea and on Chapter 61,61A lands along Cross Road / Canaan Valley Road.

Cold Water Fisheries

New Marlborough hosts several stream segments that considered important cold water habitat by the Mass. Division of Fisheries and Wildlife (see Map F). These streams are important for maintaining cold, clean water habitats on which brook trout and other aquatic species rely. It is important to maintain forested buffers along these streams where possible to maintain shade and filter inflowing sediments or contaminants. Road stream crossings should be evaluated to allow movement of fish, turtles, and other aquatic and semi-aquatic species. It is important to note that many of New Marlborough's cold water streams flow through rare species habitats, so protecting the streams and the lands along their corridors will protect both fisheries and other rare species that rely on these streams. The Division of Fisheries and Wildlife stock the Konkapot River and York Lake with trout in the spring.

Table __: Cold Water Fisheries

Waterbody Name	Town(s)
Whiting River	New Marlborough
Ginger Creek	New Marlborough
Brewer Brook	New Marlborough
Umpachene River	New Marlborough
Rawson Brook	New Marlborough, Monterey
Konkapot Brook	New Marlborough, Sheffield
Sandy Brook	New Marlborough, Sandisfield,

Source: MassGIS, Frost, 2016.

F. Scenic Resources and Unique Environments

Scenic Landscapes

Picturesque views can be found throughout New Marlborough along the roadways, from the lakesides and from hilltop viewpoints. Long range views of forested hillsides set a backdrop against lush roadside meadows along East Hill Road and New Marlborough Hill Road. The waterfalls at Umpachene Falls Park and Campbell Falls State Park are noted as among the best in the Berkshires. Respondents of the 2016 survey ranked the town’s open meadows as the most important scenic resource in need of protection (30%), with river/stream/lake frontage and water resources ranking second (22% each), forested parcels (16%) and ridgelines (15%) following closely. Umpachene Falls was listed most often by respondents as the one single most important scenic or natural resource area in the town.

In 1982 the Mass. Department of Environmental Management (now known as Department of Conservation and Recreation, or DCR), inventoried the most scenic areas of the state. The southwestern portion of the town was designated as a “Noteworthy” area of important visual quality. The area is generally bound by Sisson Road to the north, Benton Hill and its sister ridges to the east, Clayton Village to the south and Alum Hill to the west.

Major Characteristics

New Marlborough’s geologic past has left a unique setting. Steep hills running north to south plunge into valleys created by the rivers that run through them. As in many Berkshire towns where the rivers were once an important means of transport and production, roads and mill sites follow their winding ways through the hills. All five villages are connected by these unique and scenic paths. Pastoral open meadows are still found along local roads, a landscape

that has largely been diminished by reforestation or residential housing in many other Berkshire County towns.

Small and large waterfalls and chutes cascade through narrow passages worn through vertical and slanting bedrock; at Umpachene Falls a waterfall plunges into a clear pool. Hidden gorges, full of native vegetation, offer a breathtaking experience to visitors.

Historic Areas

Many historic buildings and structures throughout New Marlborough add to its unique character and the residents' sense of place. The town hosts three National Register of Historic Places, the Mill River Historic District (Mill River), the New Marlborough Center Historic District (New Marlborough), and the Shepard Thomas House (Southfield). In addition, several historic properties are found throughout the town and within each of the five villages. Historic sites, like the New Marlborough Village Green Meeting House, the Immaculate Conception Church (Our Lady of the Valley Rectory), the Native American burial ground, heritage landscape sites of the many mill foundations, old stagecoach lines, numerous stone walls, and several old cemeteries help to connect residents to the town's past. The general store and recently restored Town Hall, both located in Mill River Village, are community institutions that also help to establish the character of New Marlborough. Individual residents and organizations, like the New Marlborough Historical Commission, have worked to preserve and restore these unique features that link residents and visitors to the past.

Unique Environments

New Marlborough is recognized as having a diverse range of flora and fauna due to its varied and unfragmented landscape. The Natural Heritage and Endangered Species Program has designated several important core habitats that support this diversity, including Dry Hill and the land further east, most of Woodruff Mountain, Benton Hill, and parts of the Clayton valley. Although some of this core habitat is held in temporary protection under Massachusetts General Law Chapter 61, most remains in unprotected, private holdings.

Portions of the remaining space in New Marlborough have been identified by the Natural Heritage and Endangered Species Program as natural supporting habitat. These areas are mainly located in the southeast corner of town and are currently protected by the two state forests, Cookson and Sandisfield.

As with many small, once-agricultural communities, the fields are becoming overgrown and succeeding into woodlands. The land once valued for its agricultural capacity is now identified as prime real estate property. Unless some actions are put into place to maintain these pastures and fields, the rural character of New Marlborough could change significantly

Priority Conservation Areas

In 2008-09 NHESP conducted field surveys to improve the agencies knowledge of the region's biodiversity resources in towns in the Housatonic River Watershed. Information collected during these surveys was added to NHESP's existing database, incorporated into BioMap 2 Core Habitat and resulted in the creation of Priority Conservation Areas (PCAs). Town-specific planning reports were created for each of the communities within the watershed, with the intent of aiding local municipalities, land trusts and conservation organizations in prioritizing focus areas for conservation. In New Marlborough the PCAs follow the Konkapot River and Juniper Pond / Wahly Pond corridors, lands north and west of Cookson State Forest, and land along Cross Road / Canaan Valley Road. These areas are shown on Map 5, Unique Features.

Corridors

New Marlborough is a relatively large town with large tracts of unfragmented forest interspersed with streams, ponds and wetlands that open the forest canopy to different habitats. These forests can provide cover and travel corridors not only for rare species but also for a great variety of wildlife, including wide-ranging animals such as bear and moose. In order to maintain current wildlife populations, large contiguous and interconnecting tracts of land should be targeted for protection. Natural resource corridors across New Marlborough, along with those extending across town borders, should be considered for conservation.

New Marlborough is in the midst of an area referred to by state and regional conservation organizations as the Berkshire Wildlife Linkage, an area between the Green Mountains in VT and the Hudson Highlands in NY that contains large intact areas of forest and travel corridors between them. The linkage is a pathway for animals moving through the Appalachians to our south and the forests of Canada. Individual large animals may move through the linkage in a lifetime, while smaller animals may move over several generations. Ensuring that wildlife can safely move between habitats, including across the roads and through the priority areas shown below, will allow them to find food and habitat and to adapt their ranges to climate change. Key important linkages within the town generally encompass the highland areas along the eastern and western border, but also includes some areas in the interior for east-west movement. A Priority Connectivity Area has been identified on the portion of South Sandisfield Road that would connect the protected lands of the Cookson and Sandisfield State Forest.

Select areas of the town have also been identified as Priority Conservation Areas (PCAs) by the state Natural Heritage and Endangered Species Program. These areas of the town have been selected as priority areas for the protection and long-term survival of rare and uncommon species populations.

G. Environmental Challenges

Erosion and Sedimentation

The steep topography in some areas of New Marlborough increases the potential for erosion of soils and stream channels. The greatest potential for sedimentation problems exists where erodible soils are found on steep slopes place.

Flooding

New Marlborough's streams and rivers are prone to flash-floods due to the town's hilly topography. There are a few wetland areas dispersed throughout the Town that serve to retain heavy storm flows, but in general the town has few wetland complexes along its main stream and river segments to retain peak flows, resulting in streams that overflow their banks. Roadways and properties located within the floodplain areas of those streams can become inundated and possibly suffer erosion damage.

There are several areas in the town that flood at times during spring melt or heavy precipitation events. According to the Berkshire County Hazard Mitigation Plan, the Konkapot River causes repeated flooding along its entire length as it flows through the town. Other notable flood-prone areas include Hatchery Road, which is occasionally closed because of flood waters and damage to the road, and the Konkapot River at the Lake Buel outlet stream. The New Marlborough-Southfield Road in the vicinity of New Marlborough Village also floods where the road comes close to the river, threatening the integrity of the road. Hadsell Street is a flooding concern as it runs adjacent to the Umpachene River. Undersized storm-drain systems create flooding along Easthill Road and Hotchkiss Road (BRPC 2012).

New Development

Development in town is projected to continue to occur as scattered large lot residential homes, dispersed along existing country roads. This type of development will continue to fragment forest and open field habitats and threaten the rural character of the town.

New Marlborough currently has only one type of zoning: Town/Residential (see Zoning Map 3). Minimum subdivision requirements of 150 feet of road frontage and one acre of land has encouraged or at least supported the trend in New Marlborough to develop large parcels with single-family homes. If the trends of the last 30 years are replicated -- development occurring along existing rural roads, outside of the village centers -- New Marlborough will look very different (see Development Patterns Map G). New roads and development along existing roads would effectively fragment the large open spaces and dramatically alter the rural nature

of the community. In 2011-13, with the assistance from the Berkshire Regional Planning Commission supported by District Local Technical Assistance (DLTA), the Planning Board updated the New Marlborough Protective By-laws to provide for two zoning districts (Rural/Agricultural and Village Centers), expansion/clarification of “by-right” land-uses to support economic development, and creation of housing options for families of all sizes and incomes, as well as its senior residents. The updated Protective By-laws were rejected by voters as too complex. Sensitive to residents’ concerns, the Planning Board drafted a simplified by-law revision to create two zoning districts (Rural/Agricultural and Village Centers) as a step toward addressing recent development trends. In May of 2016, this by-law revision was voted down by a narrow margin of eight votes.

Large industrial solar photovoltaic arrays, encompassing several acres of land per site, are being established throughout Berkshire County, some in rural areas that supported agriculture and scenic landscapes. Some large solar arrays that have been developed in Great Barrington and Sheffield have raised concerns, as they are out of place with their surroundings, degrading the rural character of the area in which they are located. Balancing the benefits of green energy with the protection of the rural character of the community is important. The New Marlborough Planning Board is considering developing a solar PV bylaw that would guide development of large arrays within the town in a way that would provide the dual benefits of generating renewable energy while protecting the town’s rural landscapes and habitats. A solar developer is considering installing a solar PV project along Route 57 and is expected to submit an application for a special permit in January 2017.

Pollution and Impaired Waterbodies

In general the waters in the surface water bodies in New Marlborough are of high quality, with cold clear mountain streams feeding lakes, ponds and wetlands. Many of the rare and uncommon species found in the town are aquatic or wetland species, which makes protecting water quality all the more important. However, the water quality and habitat value of some specific water ways is of concern. The full length of the Konkapot River as it flows through the town is listed by the state Department of Environmental Protection as being impaired due to mercury found in fish tissue. The Massachusetts Department of Public Health advises that children younger than 12 years of age, pregnant women, nursing mothers, women of childbearing age who may become pregnant should not eat any fish from the river, and advise that the general public should limit consumption of all fish to two meals per month.

Lake Buel is listed as being impaired due to the presence of non-native invasive aquatic plants, low dissolved oxygen levels, and high total phosphorus levels. The availability of phosphorus, along with the irregular bottom and shallow depths in portion of the lake, facilitate the infestation and excessive aquatic plant growth Eurasian watermilfoil. The excessive volume of

plant materials lead to depleted oxygen levels and diminishes the recreational enjoyment of the lake. Suspected sources of phosphorus include septic systems, lawn fertilizers and sediment input from roads and parking lots. Efforts to control plant growth include yearly milfoil harvesting.

Invasive Species

The spread of invasive plant species threatens not only the town's water bodies but also its wetlands and uplands.

In addition to invasive plants, the town's lakes and ponds are threatened by the possible introduction of the Zebra mussel. This mollusk has already found in Laurel Lake in Lenox and in the outlet stream and Housatonic River downstream of the lake. Extensive public awareness programs, coupled with monitoring of public boat launches across the state have so far been effective in containing the mussel to the Laurel Lake / Housatonic River area. Constant vigilance and education will need to continue if these efforts are to prohibit the movement of this species beyond its existing range.

Several invasive insects threatened the forests that cover the landscape. The Emerald Ash Borer threatens to annihilate the ash population in the region and is currently the insect of most concern because of its ability to fly and rapidly expand its range. Ash tree species are a hardwood species that is found throughout New Marlborough, making up a substantial proportion of the forest canopy. The loss of this species would change the ecological makeup of the forest, opening up large patches of forest floor and making them vulnerable to invasive forb and shrub species whose locations are currently contained along roadsides and edges of fields. The further expansion of the woolly adelgid could threaten hemlock stands and the Asian longhorn beetle could threaten a number of tree species, including maples and elms whose individuals are already stressed by disease and climate change.

As noted above, Lake Buel is heavily infested with Eurasian watermilfoil. Fragments of the milfoil or other invasive plants from the lake can easily be transported to other waterbodies if sticking to the boat, paddles, trailer or other equipment. Insect species can be transported into or out of the town through movement of firewood or logs. Education of residents and visitors is key in the efforts to control the importation or movement of invasive species.

Environmental Equity Issues

There are no environmental justice populations in New Marlborough. However, with an estimated 8% of individual residents being below the poverty level, and with a rising elderly

population, it may be prudent for the town to consider ways to improve outdoor recreational opportunities for those who may have limited access to a vehicle.

Section 5

Inventory of Lands of Conservation and Recreation Interest

New Marlborough is fortunate to have open and natural spaces that are open for public recreation. Year-round outdoor activities available within the town include:

- Boating,
- Swimming,
- Fishing,
- Bird watching,
- Hiking,
- Cross-Country Skiing/Snowshoeing,
- ATV/Snowmobile,
- Hunting,
- Camping,
- Picnicking.
- OTHERS?

The following sections lists the various land parcels in the town that are undeveloped and describes whether or not those lands are available for the public to use. In general, those lands that are permanently protected for conservation and/or recreation are the most valuable to the public over the long term, as they will not be threatened with development and will remain open for future generations. For the purposes of this plan, federal and state lands are being considered permanently protected, as they are currently being maintained for conservation and/or recreational purposes. Most conservation lands owned by the Commonwealth of Massachusetts are protected under Article 97, an amendment to the state constitution, and to remove



CONSERVATION AND RECREATION LANDS AT A GLANCE

- **Stated and Federal Lands** – State of Massachusetts owns 3,425 acres.
- **Land Trusts** – Three land trusts own or hold conservation restrictions on 2,625.
- **Town Lands**– Umpachene Park and nine cemeteries.
- **Working Landscapes** – Almost 9,300 acres of land in the town are enrolled in the Chapter 61, 61A or 61B tax abatement programs. While enrolled in these programs the land must be managed for timber, agriculture or outdoor recreation.

protection status of these lands for development would require a 2/3 vote within the state legislature. Although such a scenario could occur, the action would undoubtedly be contentious and likely garner a public uproar. Other lands considered permanently protected are those owned by local land trusts, as these were purchased with a conservation intent, and lands that are prohibited from development due to placement of a deeded restriction, including conservation and agricultural restrictions.

A. Permanently Protected Open Space Lands

State Conservation Lands

State lands in the town limits include Beartown State Forest, Campbell Falls State Park, Cookson State Forest and East Mountain State Forest, and Sandisfield State Forest (York Lake). Lake Buel is a cold water lake, shared with the town of Monterey to the north. This lake is 195 acres, and ranges from 18 to 46 feet in depth. Trout are stocked in these waters which also have a viable northern pike population. This is a very popular recreation area for residents and visitors, with good access. There is a paved boat ramp in Monterey that is owned and managed by the Public Access Board and the Division of Parks and Forests. Along its shores in New Marlborough and Monterey small, seasonal cottages were developed. There are currently being converted into year-round residential homes. The potential for surface and groundwater pollution exists in the lake itself and the Konkapot River that drains it.

Table __: State Parks and Forests

State Park or Forest	Acres in New Marlborough
Beartown State Forest	126
Campbell Falls State Park	138
Cookson State Forest	2,274
East Mountain State Forest	165
Sandisfield State Forest (including York Lake)	1,067
Total	3,770

Source: Berkshire Regional Planning Commission GIS, 2009

Federal Conservation Lands

The U.S. government owns and operates a fish hatchery on Hatchery Road in the northern portion of the town. This site is approximately 75 acres. Although the site has no permanent legal protection, it is unlikely that the federal government would sell the land for development without consulting with the state or the town.

Nonprofit Land Trusts – Ownership and Conservation Restrictions (CRs)

The town has a rich supply of conservation and recreation lands due to four active land trusts: Berkshire Natural Resources Council, New Marlborough Land Trust and The Trustees of Reservations. The more prominent public lands include Questing Reservation, Dry Hill, Steepletop Reservation and lands around Thousand Acre Swamp. Together these organizations own almost 2,500 acres. In addition to landownership, these organizations hold conservation restrictions on another 1,980 acres of privately owned land, cumulatively conserving 4,480 acres of land for future generations. Additionally the New England Forestry Foundation holds a conservation restriction on 265 acres of land. The lands under the stewardship of land trusts are shown in yellow and pink on Map 7 and listed in detail in the following inventory tables.

Table __: Land Trust Land Holdings Summary*

Lands Owned by Land Trusts	Acres
Berkshire Natural Resources Council	1,391
New England Forestry Foundation	265
New Marlborough Land Trust	346
The Trustees of Reservations	622

Source: MassGIS and BRPC, 2016.

* This illustrates acres that have been directly purchased and owned outright; it does not reflect easement acres held by these entities, which as seen in Table __ is substantial.

Steepletop is BNRC's largest reserve totaling 1,230 acres, some of which extends into neighboring Sandisfield. This property is a critical link of protected land that is wedged between Sandisfield State Forest and several private conservation restrictions, providing protection for the expensive wetland habitats found within the property. This site has been used by local naturalist organizations to conduct wildlife tracking workshops and birdwatching hikes.

The New Marlborough Land Trust owns 346 acres of land in the town, of which 278 are located around Thousand Acre Swamp. In 2013 the Land Trust dedicated its new Joffey Nature Sanctuary and in 2016 it donated 8.4 acres of land to the town to meet its need for future cemetery space. In addition to owning land outright, the land trust holds the primary conservation restriction on an additional 427 acres in the town. The New Marlborough Land Trust engages town residents through a variety of activities that include offering guided hikes, spearheading roadside cleanups and hosting public events.

Dry Hill has been in preservation with The Trustees of Reservation since June, 2001. Dry Hill boasts sweeping views of the South Berkshire foothills, supports woodland wildlife, and offers

various recreational activities, including bird watching, hiking, picnicking, cross-country skiing, and snowshoeing. Coupled with other Trustees properties in the region, such as Questing, Dry Hill offers residents and visitors a chance for outdoor exploration. Dry Hill consists of approximately 200 acres and features a 1.5-mile woodland trail that leads through stands of pitch pine, low-bush blueberry and mountain laurel. A loop trail encircles a shallow stream drainage area that contains vernal pools, a red maple swamp, and a diverse mixture of ferns and herbs, including trout lily, dwarf ginseng, miterwort, foamflower, and wood horsetail. Dry Hill is open year-round, from sunrise to sunset, and there is no entrance fee. Parking is at the entrance and will accommodate eight vehicles.

Questing includes 438 acres and is located on the flanks of Leffingwell Hill. Questing features extensive tracts of transitional hardwood forest, pockets of wetland, small streams, and vernal pools. A seventeen-acre upland field of native meadow wildflowers attracts a variety of dragonflies and butterflies, including giant green darners and monarchs. From the parking area, an old woods road leads steeply to the upland field. From there, mowed paths encircle the field and connect to a trail that links to a forest loop trail. Cellar holes and stone walls, many fascinating in their construction, tell the story of the 200-year-old settlement known as Leffingwell, where the first non-Native American children were born in Berkshire County. This settlement was abandoned in the late nineteenth century as farmers migrated to the Midwest. The upland field is encircled by a trail from which a two-mile woodland loop trail can be accessed by a moderate hike.

Agricultural Preservation Restrictions

The agricultural preservation restriction program makes it economically feasible for a property to remain permanently in agriculture when the State Department of Agricultural Resources (DAR) purchases the development rights. DAR currently holds restrictions on three properties: Bluebird Hill, Woodburn Farm and Elm Knoll Farm.

B. Open Space Lands with Varying Levels of Protection

Town Conservation Lands

The Town of New Marlborough owns approximately 36 acres of land that could be considered usable for conservation or recreation. These lands include Umpachene Falls Park (6.5 ac.), a parcel of land adjacent to Sandisfield State Forest (9.75), nine cemeteries (totaling ~15.3 ac), and the New Marlborough Green and the New Marlborough Central School (~4 ac.). The town also owns a 9.75-acre parcel taken for nonpayment of taxes, which does not have any trails or other facilities. Umpachene Fall Park, a 6.5-acre park at the confluence of the Konkapot and Umpachene Rivers, is the only town-owned park. The park is located along the Clayton-Mill

River Road just north of the confluence of the Konkapot and Umpachene Rivers, offering trails, picnic tables, swimming and fishing holes to residents. None of the town properties were acquired with state funding.

The New Marlborough Central School, part of the Southern Berkshire Regional School District, was built in 1933 and is located on the northern edge of Mill River Village. It is situated on a four-acre parcel with parking, a playground, baseball field, and basketball court.

The Village Green, in New Marlborough, is the site of the first meeting house in town. The structure, built in 1741 and since renovated, still stands today. The two-acre grounds are home to the New Marlborough Village Association fairs and other seasonal recreational uses. The meeting house, the Old Inn near it, and several older homes surrounding the green are part of the National Historic District of New Marlborough Village.

There are nine cemeteries throughout town which offer tranquil outdoor settings. One cemetery, NAME in New Marlborough Village, is of particular interest. This historical site, with early settlement markers, is recognized as an Indian Burial Ground. It is a total of four acres and remains active as a cemetery.

The protection status of municipally-owned lands varies widely depending upon the circumstances under which the land was acquired. If the lands were acquired and accepted by town meeting vote that the lands are for conservation purposes, then it would take a special act of town meeting and the state legislature to take that land out of conservation use. Other municipally-owned conservation and recreation lands typically include parks, playing fields, playgrounds and school properties. These kinds of lands are not typically deed restricted and thus could be vulnerable to change. Although it is unlikely that the town would sell public open space lands for development, there could arise a situation in which the public benefits of the land transfer would outweigh the cost of losing open land

Other Town-Owned Land

The Town of New Marlborough owns few properties and they are small in size. The Town Hall, located in Mill River, sits on less than an acre of land, the majority of which consist of the building and the parking areas. The Fire House, located in the village of New Marlborough, was constructed in 1957 as a Fire Department Training Community Center. The meeting room and garage for emergency vehicles is on this two-acre parcel and much of the fund raising activities in town are held here. The Highway Department uses a 2.5-acre parcel on the south end of Mill River Village. The New Marlborough Free Public Library, in Mill River, was built on a half-acre parcel in 1920 with a grant from the Carnegie Foundation. The library houses both

permanent collections of books as well as loans from the Western Regional Library System. This public library is of significant importance to the residents of the town.

C. Open Space Lands with Temporary Protection

Lands Under Massachusetts Gen. Laws Ch. 61, 61A, and 61B

Almost 9,300 acres of land are enlisted under the three Massachusetts Chapter 61 tax abatement programs, which include Chapter 61 (forestland), Chapter 61A (agriculture) and Chapter 61B (recreation). The Chapter 61 tax abatement programs recognize the community benefits of undeveloped land and provides a financial incentive for landowners to continue their rural land uses, which helps to maintain the scenic and rustic landscape and can yield local commodities. Several property owners in New Marlborough have taken advantage of these programs, placing a total of 2,112 acres under Chapter 61; 126 under Chapter 61A; and 1,047 acres under Chapter 61B. This reflects a solid effort on the part of New Marlborough residents to preserve their natural resources and protect their valuable open space (See Inventory of Conservation and Recreation Interest Map).

Lands under the Chapter 61 Programs are not permanently protected from development. Property taxation occurs at a reduced rate as long as land remains in forest, agricultural or recreational management, or some combination of these. Requirements for eligibility differ with each program. A Chapter 61 landowner can sell the property and pass this management obligation to the next owner. Should the land use change to building development, however, a penalty must be paid for withdrawal from the tax abatement program. Often, the development value of the land outweighs the penalty to the owner.

If a landowner removes their property from Chapter status and offers it for sale, the town has right of first refusal and may purchase it for fair market price. This could be an opportunity for the town to buy land it wishes to protect or utilize as recreational land. As the town has only 120 days to complete the transaction, it is necessary to have available funding on-hand if a scenario like this develops. Another alternative would be for the town to assign its options to a private land trust that may be able to complete the transaction quickly.

D. Unprotected Private Lands Important to the Town

The residents of New Marlborough have voiced their appreciation for the rural character of the town in numerous surveys taken during the public participation processes of past open space and comprehensive planning projects. As noted in the inventory of lands enrolled in the Chapter 61, 61A, and 61B Programs, there are currently more than 9,000 acres in the town

whose owners have agreed to maintain their lands in an undeveloped state, working the land for its agricultural, forest or outdoor recreational benefits. As demonstrated on Maps 7 & ___ of this plan, large expanses of land are enrolled in the Chapter 61A program, supporting not only local agricultural operations but providing scenic landscapes and wildlife habitat. These lands are not protected in perpetuity and are vulnerable to development, which in recent years has been in the form of large lot housing development. Although the town has the right of first refusal to acquire the property if it were to be removed from the Chapter 61A program, it is unlikely that the town would be able to take advantage of its opportunity due to the capacity to act within the 120-day time period.

Windermere Lake is a large waterbody in the town that is inaccessible to the public. The entire lakeshore and land around the Lake has been subdivided into housing lots and to date a few have been developed. Surrounded by extensive wetland areas, Windemere Lake is located within a critical supporting natural landscape. If the area is developed further to the east, the wildlife corridors between the two state forests will be permanently eliminated.

The YMCA Camp Wawa Segowea, a 500-acre sleep-over camp located on and surrounding Harmon Pond, is similar in that this privately owned site is not publicly available. Most of the camps in the Berkshire region are located on waterbodies, where they can provide a variety of water-based recreational opportunities and, while most continue to thrive, a few have been sold for housing and other uses. While camps in the eastern portion of the state seem to be more vulnerable at this time, it is not unrealistic that a post-recession resurgence in seasonal or high-end housing could threaten camps in Berkshire County. The YMCA Camp Ponterril in Pittsfield is an example of a recreational site that was lost to condominium development.

Lands with Permanent Protection

State Property

Site Name	Acres	Owner	Primary Purpose	Activities	Public Access	Level of Protection	Comments
Blackberry River Flood Control Site	127	DCR*	Flood Control		Y	Perpetuity	
Campbell Falls State Park	3	DCR	Cons & Rec		Y	Perpetuity	
Cookson State Forest	1,879	DCR	Cons & Rec		Y	Perpetuity	
East Mountain State Forest	9	DCR	Cons & Rec		Y	Perpetuity	
Sandisfield State Forest	1,163	DCR	Cons & Rec		Y	Perpetuity	
Blackberry River Flood Control Site	127	DCR	Flood Control		Y	Perpetuity	
Thousand Acre Swamp	34	DCR	Flood Control		Y	Perpetuity	
Konkapot River Access	8	MA Dept. of Fish and Game	Cons & Rec		Y	Perpetuity	
Total Acres	3,350						
<i>*DCR = MA Dept. of Conservation and Recreation</i>							

Federal Property

Site Name	Acres	Owner	Primary Purpose	Activities	Public Access	Level of Protection	Comments
US Fish Hatchery	75	US Fish Hatchery	Other		Unknown	Unknown	

Protected Land – Nonprofit Organization Ownership

Site Name	Acres	Owner	Primary Purpose	Activities	Public Access	Level of Protection	Comments
Cagney Road Property	8	New Marlborough Land Trust	Conservation		Y	Perpetuity	
Cookson State Forest Property	109	New Marlborough Land Trust	Cons & Rec		Y	Perpetuity	
Corn Warrior	37	BNRC	Conservation		Y	Perpetuity	
Hayes Hill Road	2	New Marlborough Land Trust	Conservation		Y	Perpetuity	
Dry Hill	209	TTOR	Cons & Rec		Y	Perpetuity	
Fish hatchery (adjacent to)	8	Monterey Land Trust	Conservation		Y	Perpetuity	
Knox Trail Company	44	BNRC	Conservation		Y	Perpetuity	
Lumbert Cross Rd Property	38	New Marlborough Land Trust	Conservation		Y	Perpetuity	
Questing Reservation	413	TTOR	Conservation		Y	Perpetuity	
River Road/Mill River Southfield Road	8	New Marlborough Land Trust	Conservation		Y	Perpetuity	
Steepletop Reserve	1,165	BNRC	Conservation		Y	Perpetuity	
Suter Farm Reserve	145	BNRC	Conservation		Y	Perpetuity	
Thousand Acre Swamp Property	278	New Marlborough Land Trust					
Total	2,464						
<i>BNRC = Berkshire Natural Resources Council</i>							
<i>DAR = MA Dept. of Agricultural Resources</i>							
<i>TTOR = The Trustees of Reservations</i>							

Protected Land- Conservation and Agricultural Preservation Restrictions

Site Name	Acres	Owner	Primary Purpose	Activities	Public Access	Level of Protection	Other Interest Organization
Bluebird Hill	26	Bluebird Hill Development LLC	Agriculture		N	Perpetuity	DAR
Woodburn Farm	24	Fenn Sheldon	Agriculture		N	Perpetuity	DAR
Elm Knoll Farm	224	Jacquier David W and Jo Ann	Agriculture		N	Perpetuity	DAR
Sandisfield / New Marlborough WCE	389	B and N Lands LLC	Cons		Y	Perpetuity	Dept. of Fish & Game
Gleason Pond CR	227	Crine Harold W	Cons		N	Perpetuity	TTOR
Devine CR	246	Devine Louise	Cons		Unknown	Perpetuity	TTOR
Donnelley CR	153	Donnelley Strachan and Vivian	Cons		N	Perpetuity	New Marlborough Land Trust
Konkapot River CR	311	Goodnow Edward	Cons		Limited	Perpetuity	TTOR
Canaan Valley CR	13	Hoberman Owen Tr of Deano Real Estate	Cons		N	Perpetuity	BNRC
Old Inn on the Green CR	10	Mills Dorothy S	Cons		N	Perpetuity	New Marlborough Conservation Commission
MILLS	63	Mills Samuel III	Cons		Unknown	Perpetuity	TTOR
Phillips/Montgomery CR	198	Montgomery Robt	Cons		Y	Perpetuity	TTOR
New Marlborough Hill CR	265	New Marlborough Hill LLC	Cons		Limited	Perpetuity	New England Forestry Foundation
Smith-Alexander & Clark Farms	309	Ravine Falls Trust	Cons		N	Perpetuity	TTOR
Rhoades CR		Rhoades Barbara	Cons		Limited	Perpetuity	BNRC

	82						
Schwarz CR	119	Schwartz	Cons		N	Perpetuity	BNRC
TAYLOR CR	39	Taylor Elizabeth	Cons		Limited	Perpetuity	BNRC
Walker CR	196	Walker Mark A and Tania	Cons		N	Perpetuity	BNRC
Canaan Valley CR	24	Zoullas Nicolas and Deborah	Cons		N	Perpetuity	BNRC
Total	2,918						

Land with Various Levels of Protection

Town of New Marlborough

Site Name	Acres	Manager	Primary Purpose	Outdoor Activity Use	Public Access	Level of Protection	Condition, Recreation Potential
Fire Department	1.9		Public Safety		Yes	Limited	
Town Hall	0.7		Admin		Yes	Limited	
Library	0.4		Library		Yes	Limited	
Highway Garage	2.6		Public Works		Yes	Limited	
Central School	4.1		School	Ball field, basketball, playground	Yes	Limited	Fair
New Marlborough Green	0.6		Public space	Open Space	Yes	Limited	
New Marlborough Green	0.8		Public space	Open Space	Yes	Limited	
Umpachene Falls Park	6.4		Cons & Rec	Picnic, swimming, hiking	Yes	Limited	Good
Carroll Cemetery	1.4		Cemetery	Quiet solitude	Yes	Limited	No
Church Cemetery	4.7		Cemetery	Quiet solitude	Yes	Limited	No
Clayton Cemetery	0.2		Cemetery	Quiet solitude	Yes	Limited	No
Huxley Cemetery	0.6		Cemetery	Quiet solitude	Yes	Limited	No
Lee Memorial Cemetery	1.7		Cemetery	Quiet solitude	Yes	Limited	No
Mill River Cemetery	4.8		Cemetery	Quiet solitude	Yes	Limited	No
Hartsville Cemetery	0.6		Cemetery	Quiet solitude	Yes	Limited	No
Mill River Cemetery	0.4		Cemetery	Quiet solitude	Yes	Limited	No

Palmer Cemetery	1.0		Cemetery	Quiet solitude	Yes	Limited	No
North of Dry Hill, Adjacent to Sandisfield State Forest	9.7		Unknown	Unknown	Unknown	Unknown	Unknown
Total	44.0						

Lands with Temporary Protection

Chapter 61, 61A, 61B Program Lands

Site Address	Acres	Owner	Enrollment	Ownership	Public Access	Level of Protection	Comments
739 NEW MARLBORO MONTEREY RD	32	BEKKEDAHL CAROLYN	Chapter 61	Private	N	Temporary	
69 CORSER HILL RD	12	BERMAN BENNETT	Chapter 61	Private	N	Temporary	
SO SANDISFIELD RD	114	BOBRYK PAUL P	Chapter 61	Private	N	Temporary	
191 NEW MARLBORO HILL RD	27	CHAMBERLIN GLENDON G JR	Chapter 61	Private	N	Temporary	
327 NEW MARLBORO SOUTHFIELD RD	84	CML BERKSHIRE LAND LLC	Chapter 61	Private	N	Temporary	
333 EAST HILL RD	72	EISNER GILBERT	Chapter 61	Private	N	Temporary	
BREWER HILL RD, CLAYTON HILL RD	96	FROHNE RONALD	Chapter 61	Private	N	Temporary	
618 EAST HILL RD	45	HACKETT JOYCE A	Chapter 61	Private	N	Temporary	
SO SANDISFIELD RD	256	HULL FORESTLANDS,LP	Chapter 61	Private	N	Temporary	
NORFOLK RD	48	KNAPP MARK E	Chapter 61	Private	N	Temporary	
NEW MARLBORO SANDISFIELD RD	48	LILJENGREN ROSALIND S	Chapter 61	Private	N	Temporary	
NEW MARLBORO HILL RD	94	O'CONNOR LAND & TIMBER,LLC	Chapter 61	Private	N	Temporary	
732 HARTS-NEW MARLBOROUGH RD	93	PELL ANGELENE VARICK	Chapter 61	Private	N	Temporary	
CANAAN VALLEY RD		RADIN ARTHUR J	Chapter 61	Private	N	Temporary	

	90						
NEW MARLBORO MONTEREY RD	309	RAVINE FALLS TRUST	Chapter 61	Private	N	Temporary	
FOLEY HILL RD	22	SAMTON PETER	Chapter 61	Private	N	Temporary	
1584 NORFOLK RD	539	SLAVIN LORRAINE	Chapter 61	Private	N	Temporary	
NORFOLK RD	39	STONE HILL FARM LLC	Chapter 61	Private	N	Temporary	
RHOADES & BAILEY RD	90	RICHARDSON ROBIN J	Chapter 61 and 61A	Private	N	Temporary	
HAYES HILL RD	6	ANDRUS THOMAS M	Chapter 61A	Private	N	Temporary	
BREWER HILL RD	145	BERKSHIRE NATURAL RESOURCES	Chapter 61A	Private	N	Temporary	
166 EAST HILL RD	166	BERLINGHOF REALTY TRUST	Chapter 61A	Private	N	Temporary	
CANAAN SOUTHFIELD RD	367	BLAIS WILLIAM	Chapter 61A	Private	N	Temporary	
COUNTY RD	19	BLUEBIRD HILL DEVELOPEMENT	Chapter 61A	Private	N	Temporary	
772 NORFOLK RD	220	BOSWORTH FAMILY PARTNERSHIP	Chapter 61A	Private	N	Temporary	
707 NORFOLK RD	79	BOSWORTH LORETTA R	Chapter 61A	Private	N	Temporary	
621 N.M. SOUTH SANDISFIELD RD	40	BRAZIE M. ANDREW	Chapter 61A	Private	N	Temporary	
616 N.M. SOUTH SANDISFIELD RD	90	BRAZIE MARY E	Chapter 61A	Private	N	Temporary	
21 IDLE HOUR RD	10	BRAZIE MAURICE G	Chapter 61A	Private	N	Temporary	
727 SO SANDISFIELD RD	15	BRAZIE THOMAS M	Chapter 61A	Private	N	Temporary	
282 BREWER HILL RD	33	BREWER HILL ASSOCIATES LLC	Chapter 61A	Private	N	Temporary	
RTE 57	42	CHAPMAN FRED W	Chapter 61A	Private	N	Temporary	

MILL RIVER GT BARRINGTON RD	133	CLARK PAUL	Chapter 61A	Private	N	Temporary	
338-346 NEW MARLBORO SOUTHFIELD RD	20	CML BERKSHIRE LAND LLC	Chapter 61A	Private	N	Temporary	
275 COUNTY RD	242	CRINE HAROLD W JR	Chapter 61A	Private	N	Temporary	
CANAAN VALLEY RD	59	DECOTIS DEBORAH	Chapter 61A	Private	N	Temporary	
SISSON HILL RD	4	EDWARD G MCCORMICK	Chapter 61A	Private	N	Temporary	
BREWER HILL RD	6	EGGENBERGER MARTHA	Chapter 61A	Private	N	Temporary	
CLAYTON MILL RIVER RD	219	ELM KNOLL FARM LLC	Chapter 61A	Private	N	Temporary	
815 HARTS-NEW MARLBOROUGH RD	11	FELDMAN DAVID S	Chapter 61A	Private	N	Temporary	
COUNTY RD	97	FREEMAN ELMS NOMINEE TRUST	Chapter 61A	Private	N	Temporary	
865 NEW MARLBORO MONTEREY RD	110	FUKUI MEGUMI	Chapter 61A	Private	N	Temporary	
HAYES HILL RD	9	GELZER PHILIP R	Chapter 61A	Private	N	Temporary	
HAYES HILL RD	40	GRSHELL ROSALYN	Chapter 61A	Private	N	Temporary	
BREWER BRANCH RD	81	GOLD WARREN M	Chapter 61A	Private	N	Temporary	
CANAAN SOUTHFIELD RD	90	GRASSMARKET LLC	Chapter 61A	Private	N	Temporary	
CANAAN VALLEY RD	5	GWINN JENNIFER	Chapter 61A	Private	N	Temporary	
HAYES HILL RD	92	HAROLD D HAYES NOMINEE REALTY	Chapter 61A	Private	N	Temporary	
155 CANAAN VALLEY RD	37	HOBERMAN OWEN O	Chapter 61A	Private	N	Temporary	
2318 CANAAN SOUTHFIELD RD	61	HULETT RICHARD T	Chapter 61A	Private	N	Temporary	
734 MILL RIVER GT BARRINGTON RD	11	JOHN B ORMSBEE	Chapter 61A	Private	N	Temporary	
COUNTY RD		KELLY JAMES	Chapter 61A	Private	N	Temporary	

	8	WILSON					
181 LEFFINGWELL RD	31	LABSHERE JOSHUA	Chapter 61A	Private	N	Temporary	
LEFFINGWELL RD	200	LABSHERE LAYNE A	Chapter 61A	Private	N	Temporary	
96 LEFFINGWELL RD	20	LAIN KRISTOPHER H	Chapter 61A	Private	N	Temporary	
1100 RHOADES & BAILEY RD	189	LEVIN BENJAMIN SMITH	Chapter 61A	Private	N	Temporary	
779 MILL RIVER GT BARRINGTON RD	83	MACDOWELL EDWARD	Chapter 61A	Private	N	Temporary	
CANAAN VALLEY RD	20	MARSHALL STEVE H	Chapter 61A	Private	N	Temporary	
HAYES HILL RD	17	MCCREE DONALD III	Chapter 61A	Private	N	Temporary	
SISSON HILL RD	125	MCDADE JARED C	Chapter 61A	Private	N	Temporary	
223 STONE MANOR DR	189	MEPAL MANOR LLC	Chapter 61A	Private	N	Temporary	
BREWER HILL RD	37	NEW MARLBOROUGH NOMINEE TRUST	Chapter 61A	Private	N	Temporary	
TAMARIDGE RD	318	OLD SCHOOL FARM INC	Chapter 61A	Private	N	Temporary	
337 SISSON HILL RD	151	ORMSBEE ANITA C	Chapter 61A	Private	N	Temporary	
SISSON HILL RD	213	ORMSBEE JOHN B	Chapter 61A	Private	N	Temporary	
KNIGHT RD	113	PALFINI JOHN C	Chapter 61A	Private	N	Temporary	
BREWER HILL RD	8	PRIENDORF ANTHONY	Chapter 61A	Private	N	Temporary	
CLAYTON MILL RIVER RD	44	ROSENSTEIN JAMES	Chapter 61A	Private	N	Temporary	
764 EAST HILL RD	233	ROSTON FAMILY PARTNERSHIP L.P.	Chapter 61A	Private	N	Temporary	
373 HAYES HILL RD	32	SEMLER ROBERT F	Chapter 61A	Private	N	Temporary	

244 COUNTY RD	58	SHELDON DAVID L	Chapter 61A	Private	N	Temporary	
92 COUNTY RD	45	SHELDON HOWARD P	Chapter 61A	Private	N	Temporary	
BREWER HILL RD	150	TILLES ROGER	Chapter 61A	Private	N	Temporary	
2320 CANAAN SOUTHFIELD RD	106	VERGELEGEN LLC	Chapter 61A	Private	N	Temporary	
492 NEW MARLBORO MONTEREY RD	223	WALKER MARK A	Chapter 61A	Private	N	Temporary	
527 CROSS TO CANAAN VALLEY RD	202	WASSERMAN LINDSEY S ETAL	Chapter 61A	Private	N	Temporary	
RTE 57	17	WEINSTEIN REALTY MANAGEMENT	Chapter 61A	Private	N	Temporary	
SO SANDISFIELD RD	353	WEINSTEIN REALTY MANAGEMENT	Chapter 61A	Private	N	Temporary	
BREWER BRANCH RD	69	WILCOX WARREN R	Chapter 61A	Private	N	Temporary	
294 FOLEY HILL RD	58	WILKINSON JOSEPH III TRUSTEE	Chapter 61A	Private	N	Temporary	
NEW MARLBORO MONTEREY RD	38	WILLOW CREEK PARTNERS LLP	Chapter 61A	Private	N	Temporary	
CORASHIRE RD	24	WOODBURN FARM PRESERVATION	Chapter 61A	Private	N	Temporary	
499 CLAYTON MILL RIVER RD	20	WUORI RICHARD	Chapter 61A	Private	N	Temporary	
CANAAN VALLEY RD	84	ZOULLAS NICHOLAS B	Chapter 61A	Private	N	Temporary	
SISSON HILL RD	89	SISSON HILL NOMINEE TRST	Chapter 61A & B	Private	N	Temporary	
SISSON HILL RD	58	BRITTON LUCY ANN	Chapter 61B	Private	N	Temporary	
RTE 57	91	BURNETT REBECCA E	Chapter 61B	Private	N	Temporary	
SHUNPIKE RD	6	BUTLER ROBERT	Chapter 61B	Private	N	Temporary	
931 MILL RIVER GT BARRINGTON RD	17	CHASE FREDERICK G	Chapter 61B	Private	N	Temporary	
327 NEW MARLBORO		CML BERKSHIRE	Chapter 61B	Private	N	Temporary	

SOUTHFIELD RD	47	LAND LLC					
NEW MARLBORO MONTEREY RD	14	DEMPSEY MARILYN E	Chapter 61B	Private	N	Temporary	
RTE 57	57	FRIEDMAN WARNER G	Chapter 61B	Private	N	Temporary	
NORFOLK RD	40	GAINSBOROUGH REALTY TRUST	Chapter 61B	Private	N	Temporary	
780 CROSS TO CANAAN VALLEY RD	24	HUMES JOHN J	Chapter 61B	Private	N	Temporary	
240 CAMPBELL FALLS RD	10	KONEAZNY JAMES G	Chapter 61B	Private	N	Temporary	
317 HAYES HILL RD	179	LIVETEN HELEN Z & BENJAMIN D	Chapter 61B	Private	N	Temporary	
1141 SISSON HILL RD	8	SELANDER MARK	Chapter 61B	Private	N	Temporary	
NORFOLK RD	18	TURNER COURTNEY K	Chapter 61B	Private	N	Temporary	
HARTSVILLE MILL RIVER RD	47	VALLIANOS EVELYN D, ETAL.	Chapter 61B	Private	N	Temporary	
440 EAST HILL RD	430	WORTHINGTON NANJI MCCARTER	Chapter 61B	Private	N	Temporary	
Total	9,285						

E. Inventory of Recreational Opportunities

Summary of Recreation Opportunities

The public recreational lands in New Marlborough offer a wide variety of opportunities for users of all abilities. Some sites such as Knox Trail Company offer steep terrain for expert hikers looking for a challenge, while others offer gentler terrain. Picnic areas can be found at Umpachene Falls Park and York Lake. The Central School hosts a playing field and a playground for families with children. Dry Hill, Questing and Steepletop offer hiking trails of generally moderate difficulty, while Steepletop also allows mountain biking. Swimming is available at York Lake and Umpachene Falls Park, although neither site has lifeguards.

York Lake in the Sandisfield State Forest offers access to both the lake and the York Lake Loop Trail, an interpretive trail that is also a designated DCR Healthy Heart Trail to promote healthy outdoor recreation. The New Marlborough Land Trust offer very affordable group hikes on lands in New Marlborough throughout the year to help acquaint residents and visitors with the public lands that surround them.

Hunting is allowed on all of the public recreational lands in town owned by the Commonwealth, the Berkshire Natural Resources Council and The Trustees of Reservations. Fishing is also widely available, with both the Konkapot River and York Lake stocked with trout each spring, and Lake Buel stocked both spring and fall.

On-road bicycling routes have been established and mapped by the Berkshire Bike Path Council in the neighboring towns of Great Barrington and Sheffield, but none have formally been established in New Marlborough. Despite the narrowness of the roadways and the absence of shoulders, bicyclists individually and in groups are frequently seen on town roads, often stopping at the Mill River Store.

Section 6

Community Vision

A. Description of Process

TBD.

B. Statement of Open Space and Recreation Goals

Goals from 2004 OSRP:

- ❖ The open spaces and rural character of the villages remain intact.
- ❖ Diverse, accessible, and safe recreational opportunities exist that are provided for residents of all ages without conflicting with the needs for protection of natural resources.
- ❖ New Marlborough's healthy natural resources support both human and wildlife communities.
- ❖ New Marlborough's historic integrity and scenic beauty are preserved.
- ❖ State and Town officials work with citizens to determine and implement the management of open space and recreational facilities.

Section 7

Analysis of Needs

The analysis of needs is based upon the results of the public input process, including a community survey and a public forum, and on new demographic and natural resource data gathered as part of the resources update. This process also included a review of the 2004 *New Marlborough Open Space and Recreation Plan* and the 2012 *New Marlborough Master Plan* to ascertain if past goals and actions were still valid today and determine which of the unmet goals and actions should be carried forward.

A. Summary of Resource Protection Needs

New Marlborough's privately owned, unprotected land covers approximately 72% of the total land area. Under current zoning and traditional growth patterns, these lands are very susceptible to development. Resource protection needs to include the further protection of critical water resources, the preservation of critical habitat, and the creation of protected wildlife corridors to link with existing regional corridors.

Protecting and prioritizing the important natural resources of the Town of New Marlborough is essential for preserving the rural character the residents enjoy. At present, approximately 28% of the land is permanently protected. In survey responses citizens have stated that the town's rural character is the single most important reason that they live here.

Views and Ridgelines

A series of ridges run from north to south through New Marlborough. This high elevation provides spectacular views to the east, looking toward the protected lands in



AT A GLANCE: SUMMARY OF SURVEY RESULTS

- To be completed -- town.
- To be completed -- town.

the Town of Sandisfield, and to the west, to the dramatic views of Mt. Everett in the Town of Mt. Washington. Most of this land is privately owned without protection from development. In addition, agricultural fields and non-forested lands strung along country roadsides provide spectacular long-distance views of New Marlborough's forested hillsides. These long-distance views were specifically listed by respondents of the 2016 survey as being the one single most important scenic resource area that the town should protect

Drinking and Surface Water Resources

All drinking water in New Marlborough is groundwater. Currently, the town does not have a surficial geologic survey identifying aquifers and recharge areas. Because the town does not have such a map they must take extra precautions to protect the groundwater. Main threats to the ground and surface water are failing septic systems, old residential and farm dumps, and runoff from road salts. Management and monitoring strategies for these issues would alleviate common conditions and highlight major problems which can be properly addressed when funds are available. Informing the community and engaging residents in these clean-water issues is important to the long-term health of New Marlborough.

Berkshire Mountain Spring Water, established in 1970, is a water bottling company located on Northfolk Road in Southfield Village. The water is drawn from a confined aquifer, bottled at the site and distributed to homes and businesses throughout the region. The company owns approximately 300 acres of land surrounding the spring site, most of which is forested. Of this land 220 acres are enlisted in the state Chapter 61A agricultural tax abatement program.

There are extensive wetland areas in New Marlborough, particularly in the southeast part of town, which are vulnerable to potential groundwater pollution. The Statewide Comprehensive Open Space and Outdoor Recreation Plan (SCORP) recommends that all remaining wetland areas be preserved through public acquisition or control. This policy recognizes the cumulative effect of past instances of wetland destruction that have permanently altered the environment by lowering the water table, increasing the frequency of local flooding, and degrading the quality of water. According to SCORP the policy has resulted in a much lower rate of wetland loss in Massachusetts than in other states.

The steep slopes and erosive soils in New Marlborough, particularly around Dry Hill and Leffingwell Hill, are very susceptible to hillside erosion and stream and pond sedimentation. The water quality in specific rivers, streams, and ponds which are used for recreation needs to be monitored to ensure healthy conditions for both wildlife and human use.

Critical Wildlife Habitat and Prime Agricultural Soil

The tracts of protected land in New Marlborough that extend into Sandisfield have few protected connections. Wildlife corridors between protected lands would benefit a diversity of species and connect the different protected lands throughout New Marlborough. Properly designed and maintained trails through these corridors would minimize the human disturbance and presence. These trails would also allow visitors and residents to explore the unique and special places without having to exit protected land. Agricultural lands are additional important wildlife areas because they provide habitat for species requiring open fields or edge habitat. Wetlands, farm meadows, and pasturelands are some of the critical spaces in New Marlborough offering these essential qualities.

There is very little prime agricultural soil in New Marlborough. Such soil occupies a narrow strip all along the Konkapot River and along the Umpachene River just north of Southfield Village. Scattered fields along the Whiting River also contain prime agricultural soils as do several open fields around the Village of Hartsville. Development around Lake Buel, in Hartsville, threatens to further reduce the availability of these soils. Also, growth and development expansion in Canaan and Norfolk, Connecticut, particularly with the construction of a new golf course in Canaan, may steer development toward the fertile valleys of Clayton and wetland areas west of Cookson State Forest. Without stringent regulation and careful monitoring of these areas, development will remove this valuable soil from potential food production and possibly cause problems with erosion along the Whiting and Konkapot Rivers.

B. Summary of Community Needs

When asked in the 2016 Open Space and Recreation Plan survey to list the top five reasons that people like living in New Marlborough, respondents stated clearly that the number one reason was the town's "rural setting," with 42% of respondents ranking this as their number one choice for living in New Marlborough and an overall 65% of respondents listing this as one of their top five reasons. Other aspects of the town that received high rankings were features closely linked to rural character, including being "peaceful and quite" (overall 73% listed this as one of their top 5 choices), and "beauty" (ranking third in overall choice) (see Attachment _ for full survey results). As one respondent commented, they valued the "quiet rural aspect of the town. There are lots of crowded noisy places to go in this country...New Marlborough area is a treasure and should be protected."

Thirty-six percent of survey respondents feel that the "town is growing at a good rate, but we need to do a better job at managing its development." Twenty-six percent of participants stated that they were unsure about the development rate, indicating that many residents have not

thought about the topic or felt unqualified to answer. New scattered large-lot residential development has been occurring along New Marlborough roads, partially due to demand for second homes. Although the economic recession that began in 2008 has slowed second home demand for the past several years, it will undoubtedly resume once the economy rebounds. Development can be expected to continue in a scattered manner, fragmenting forest and occupying lands that were once open fields. Unchecked development could threaten the rural character and degrade natural resources.

New Marlborough residents generally are outdoor enthusiasts. The pursuits they engage in most often are walking, hiking, swimming, running/jogging and bicycling, with 79% of survey respondents stating that they walk on a daily or weekly basis. Residents use the scenic roads that link existing villages and recreational areas but many commented that they would like to have options that provide a safer environment for walking and bicycling. These responses mirror what was expressed during the development of the Comprehensive Plan of 2010, where residents raised two central issues regarding outdoor recreational needs. The first was a desire for increased trail options and walking and biking connectivity between the villages. While there are wonderful recreational opportunities available through the various state parks and forests, trails for walking and biking within the villages centers are quite limited. Residents have expressed a desire for increased trail options and walking and biking connectivity between the villages. The second issue is the desire to increase trail options for universal access in the town. There currently exists only a few trail options in town to accommodate older, younger, or disabled individuals with ease and safety (Open Space & Recreation Section, NM Comp. Plan 2010).

While many survey respondents of the 2016 survey indicated that they or someone in their household frequently walked or engaged in outdoor recreational activities, many other respondents indicated that their outdoor activities were limited. While the survey did not specifically ask why their activities were limited, a statewide survey conducted as part of the 2012 Draft SCORP revealed that half of all respondents cited a lack of time as their top constraint to recreating outdoors more frequently. One respondent of the town survey listed this as the specific reason that they don't take more advantage of New Marlborough's outdoor resources. Also listed as a barrier were "other commitments" by 25% of respondents (MA EEOEA, 2012). Similar responses were noted during the development of the Conservation and Recreation component of *Sustainable Berkshires, the Long-Range Plan for Berkshire County* (BRPC 2014). In both of these studies goals were enumerated to help people make the best of their limited free time, including bringing new recreational opportunities closer to where people live and improving access and connections into existing recreational lands.

While few households with school aged children responded to the 2016 survey conducted as part of this open space and recreation plan update, the responses indicate that as subgroup families

place the highest priority on improving walking and hiking opportunities, with many also stating a desire for improve opportunities to swim and bike. These major categories are consistently cited as the greatest need by residents across Berkshire County (BRPC 2014) and the Commonwealth (SCORP, 2012). The school, located in Mill River is the only site in the town with a playground. Improving recreational access for families with children also tend to provide the same access for seniors, as both seek out areas with gentle terrain and areas for picnicking or resting.

The roads in the town are generally narrow and winding country roads. Although this design helps to convey the country feel of the town, they are not conducive for pedestrians or bicyclists. Survey respondents were given the chance to write down an outdoor activity that they would like to do in New Marlborough but were unable to do, and walking or biking town roads was written in more often than any other single activity purely because of safety concerns. It may be prudent to investigate the possibility of creating walking loops in areas of the town where demand and destinations are greatest and consider installing improvements. Connecting villages to recreational properties may be areas on which to concentrate to offer safe outdoor recreational opportunities without having to get travel by car.

When asked in the 2016 survey to write in the one single most important scenic or natural resource area in the town that should be protected, Umpachene Falls was the most often listed asset, with 24% respondents specifically naming this site. Other sites listed were rivers, York Lake, 1000 Acre Swamp and farm fields. Many comments indicted a desire to maintain the undeveloped character of the roadways, with one respondent valuing “the near, middle and far distance scenery.” Many respondents also expressed a desire to conserve/preserve watershed lands for the protection of water quality, with a few stating that protecting watershed lands provide the multiple benefits of also supporting wildlife and outdoor recreation.

Water-oriented activities are also popular with residents and visitors. The Konkapot, Umpachene, and Whiting Rivers provide excellent habitat for fish and some suitable areas for swimming; however, access is severely limited. Accessibility may be improved by the acquisition of specific parcels with appropriate access points that do not compromise the steps needed to protect water quality, such as the reduction of sedimentation from soil erosion. Done in conjunction with potential greenway corridors, these rivers may be more easily accessed by anglers and passive viewers. A well designed access point and trailhead may include limited vehicle parking, bicycle racks, open areas for fishing and possibly swimming, and level grade areas with railings for seniors and disabled members of the community. The existing town park at Umpachene Falls shows how recreational needs of the community can be met; this is a model that should be followed elsewhere in the town.

C. Management Needs, Potential Change of Use

New Marlborough does not currently have sufficient tax money to protect open space through land acquisition or to create additional recreational facilities. Additional funds for open space and cultural resource protection could be obtained if the town were to pass the Community Preservation Act. The preservation of existing unprotected open space in New Marlborough depends on citizens organizing or using the services of existing land trusts and additional volunteer organizations for information and opportunities.

Effective lines of communication among the State, Town, and citizens are needed if any of the open space and recreation goals are to be achieved. The town's success in planning for future development and economic growth depends on the involvement of dedicated, enthusiastic citizens who wish to play a role in the future of New Marlborough.

Within New Marlborough there are conflicting opinions on the most important issues of economic growth. One view holds that additional regulations or additional protection of open space will hurt the financial situation of the town. Another view is interested in exploring the economic benefits of open space and the cost of residential and/or commercial growth as it relates to environmental damage and strained infrastructure. Long-term planning will be difficult if cooperation and collaboration does not take place. Coordination between town agencies is needed to prevent additional development and the installation of septic systems within sensitive areas such as steep slopes and wetland areas.

Resource Management

When asked about the condition of these properties, respondents of the 2016 survey indicated their overall satisfaction with them. Umpachene Falls Park received high marks, with 51.5% of respondents who chose to rate the property stated it was in good condition and, 47.5% rating it in fair condition. While residents viewed the park favorably, recommendations for improved access (including fixing the bridge), better enforcement of the residents-only rule, improved parking, reducing noise made by some visitors, and investigating the possibility of adding toilets. Only one respondent rated that the park was in poor condition, and the individual recommended more plantings as an improvement.

Likewise, 61% of respondents who chose to rate the Central School playing field and playground stated that the condition of the property was good, with only one respondent rating it poor. That individual stated that the "baseball field section always looks a little dilapidated – fencing etc."

New Marlborough also owns and maintains nine cemeteries throughout the town. These properties offer a place of quiet reflection and provide a window to the town's past. Like the town park and school grounds, the DPW maintain the grounds of the cemeteries.

Like other rural towns, New Marlborough has a few civic-minded people who serve on multiple boards. These dedicated people have little additional time to attend workshops offered for their benefit. Strategies for increasing participation of residents in town government are needed. More volunteers on committees will bring more resources, experiences, and energies to the process of making important decisions.

Agencies and boards have overlapping roles in ownership, management, and maintenance of town land. Given the small amount of land owned by the town, responsibility for these functions is well defined among assorted bodies. However, some of the properties and zones are of particular importance and proper management of these areas is critical. Management will also be very important if a town-wide system of greenway corridors and paths is to be created. Handling trail maintenance, dealing with use and/or abuse, and negotiating with landowners for access across private land are just a few of the many situations needing management. Utilizing the managerial skills of regional Land Trust organizations would greatly assist with the task of land management. Private landowners interested in protecting open space must be willing to assist the town financially in order to obtain the services of the Land Trusts.

Section 8

Goals and Objectives

The following list of goals and objectives for the Town of New Marlborough was developed through information gathered via a town survey, two public forums, and many conversations with individuals and committees. Some of the goals and objectives are a continuation of those outlined in the 2004 OSRP and some were adopted from the 2010 Comprehensive Plan.

Goal I: Character of the villages remain intact.

Objective A: Coordinated long-term growth management planning and zoning achieves a healthy rural community.

Objective B: Flexible building envelopes containing small business, light commerce, and residences exist in village centers.

Objective C: Well-planned growth in village centers is cohesive, attractive, and welcoming.

Goal II: Diverse, accessible, and safe recreational opportunities are provided for residents of all ages without conflicting with the needs for protection of natural resources.

Objective A: Accessible gathering areas exist for all town residents.

Objective B: Outdoor recreation coexists with the preservation of natural resources.

Objective C: Children, teens, families, seniors and people with disabilities have access to recreational sites and activities.

Goal III: Healthy natural resources support both human and wildlife communities.

Objective A: New Marlborough ground and surface water is of excellent quality.

Objective B: Diverse flora and fauna exist through town.

Objective C: Wetlands and floodplains remain as diverse habitat.

Goal IV: New Marlborough's historic integrity and scenic beauty are preserved.

Objective A: Historic resources are maintained as cultural landmarks.

Objective B: Scenic views and unique natural resources are cherished by residents and visitors.

Objective C: Local agriculture thrives amidst sustainable land use.

Goal V: State and Town officials work with citizens to determine and implement the management of open space and recreational facilities.

Objective A: Residents are involved in the promotion and maintenance of areas within town and state-owned properties.

Objective B: Ongoing dialogue occurs between state, town, and residents.

Section 9

Seven-Year Action Plan

This Action Plan will require a commitment of additional town staff resources to accomplish all the actions listed. This commitment is mentioned within the Action Plan. In determining priorities for action, the Task Force took into consideration the findings documented in the plan, the findings of the ADA report, and the responses of town residents as expressed through the town-side survey and the comments received during the public outreach process. In general, High Priority Actions were those that deserved immediate attention and focus, Moderate Priority Actions were those that should be conducted in an on-going basis, and Low Priority Actions were those that, due to complexity and/or long timelines, would not likely be accomplished during the seven-year life of this plan. The short list of organization actions directly below transcend individual goals.

Goal I. Character of the villages remain intact.

<i>Suggested Actions</i>	<i>Priority for Action</i>	<i>Suggested Leadership</i>	<i>Year</i>	<i>Other Resources, Funding, Participants</i>
Review zoning bylaws every five years in view of new developments to see if desired results of the zoning are occurring and revise accordingly.		Planning Board (PB), Conservation Commission (CC)		District Local Technical Assistance (DLTA)
Use the build-out map report from the Berkshire Regional Planning Commission to assess the current zoning laws. Allow flexible zoning bylaw that allows smaller lot size and reduced road frontage near the village centers.		PB		DLTA
Hold public meetings to explain different types of commercial zoning and obtain feedback from residents.		PB		DLTA
Encourage the development of “street walls,” buildings and residences close to existing roads that limit encroachment into open spaces.		PB, Board of Selectmen (BOS)		DLTA

Create “walkability” to allow safe pedestrian movement.	PB, BOS	DOT Complete Streets
Encourage new developments provides sidewalks or equivalent walking connections.	PB, BOS	DOT Complete Streets

Goal II. Diverse, accessible, and safe recreational opportunities are provided for residents of all ages without conflicting with the needs for protection of natural resources.

<i>Suggested Actions</i>	<i>Priority for Action</i>	<i>Suggested Leadership</i>	<i>Year</i>	<i>Other Resources, Funding, Participants</i>
Continue educational and recreational programs (nature walks and historical tours).		New Marlborough Land Trust (Land Trust)		Berkshire Taconic Community Foundation, Cultural Council
Research funds for development of town parks to encourage local fairs, festivals, cookouts, concerts.		Cultural Council, Land Trust		MA Div. of Conservation Services grant
Improve public access to swimming and fishing holes.		BOS		Trout Unlimited, Housatonic Valley Assoc.
Create walking paths in each village (some for dog walking) and a playground for children. These can be integrated into the green corridors.		BOS		DOT Complete Streets
Continue to work with Department of Fisheries and Wildlife to stock native species of fish and on game management programs that meet the needs of local residents and visitors.		BOS		None needed
Inform the public of existing local recreational opportunities.		Land Trust, Cultural Council		Cultural Council
Continue work with private landowners to obtain trail easements to form connections between the large tracts of protected open spaces.		Land trust		NA
Install signs informing visitors of the importance of the town’s unique areas and the penalty for abusing the resources.		BOS		Town funds

Research available state funds to improve parking, access and signage for Umpachene Falls Park and 1,000-Acre Swamp.	BOS, Land Trust, CC	Div. of Conservation Services grant, Public Access Board
Provide for better awareness of types of programs and facilities.	Council on Aging, Five Village News	None needed
Continue educational and recreational programs such as nature walks, canoe trips, and historic tours. Wherever possible address ADA standards and requirements for the disabled.	Land trust	Cultural Council, private foundations

Goal III. Healthy natural resources support both human and wildlife communities.

<i>Suggested Actions</i>	<i>Priority for Action</i>	<i>Suggested Leadership</i>	<i>Year</i>	<i>Other Resources, Funding, Participants</i>
Coordinate with abutting Towns to identify and eliminate any sources of water pollution that could affect New Marlborough's water supply.		BOS, Board of Health (BOH)		MA Dept. of Environmental (DEP) Grant
Seek the expertise of county and state services to catalog and determine the health of habitats and species as indicators of water quality.		BOH		None required
Continue the "Adopt-A-Stream" program.		New Marlborough Central School, Land Trust		MA Div. of Ecological Resources
Work with surrounding towns to conduct a detailed hydrologic study to identify aquifers and recharge areas.		BOS, BOH, CC		MA Environmental Trust, MA DEP Grant
Implement land-use strategies and water quality monitoring to protect aquifers and recharge zones identified in hydrologic study.		BOS, PB, CC, BH		MA DEP or Dept. of Public Health grant
Enforce Title V requirements for all new and existing septic systems.		BOH		None required
Sponsor informative sessions to educate landowners and Town to stabilize erosive steep slopes and stream banks with native vegetation to prevent sedimentation in streams and water bodies.		CC, Highway Dept.		None required

Expedite the permitting process for work to stabilize erosive steep slopes and stream banks.	BOS, CC	None required
Post trails in town park to identify sensitive flora and fauna habitats.	CC, land Trust	Town funds
Inform community about the Community Preservation Act and how the funds acquired could be used for acquisition of unprotected critical habitat, agricultural lands and open space.	BOS, PB, CC, Historical Commission (HC)	None required
Encourage landowners to employ various land protection strategies such as Conservation Restrictions, Chapter 61 programs, and the Agricultural Preservation Act, with a focus on protecting land in perpetuity.	BOS, CC, PB, Land Trust	DCR, NRCS, MA Dept. of Agricultural Resources (DAR)
Inventory invasive species populations within the town, partnering with conservation organizations to train volunteers to conduct the inventories.	Land Trust, other conservation organizations in the town	USDA grant
Limit or restrict the use of salt on roads that traverse wetland areas.	CC, Highway Dept.	None needed
Work to verify potential vernal pools as identified by the state or through local knowledge.	CC, MA Assoc. of Conservation Commissioners	None needed
Safeguard local water bodies against aquatic invasive species, with a focus on preventing establishment of zebra mussels and educating lake users.	Lake Associations, CC, neighboring towns	MA Environmental Trust

Goal IV. New Marlborough's historic integrity and scenic beauty are preserved.

<i>Suggested Actions</i>	<i>Priority for Action</i>	<i>Suggested Leadership</i>	<i>Year</i>	<i>Other Resources, Funding, Participants</i>
Inventory abandoned historic sites for preservation or possible restoration, including heritage landscapes such as mill foundations.		Historical Society		MA Historical Commission grant, town funds
Form a volunteer organization to maintain and promote the significance of historical cemeteries.		HC, Cultural Council		None required

<i>Suggested Actions</i>	<i>Priority for Action</i>	<i>Suggested Leadership</i>	<i>Year</i>	<i>Other Resources, Funding, Participants</i>
Consider adopting the Community Preservation Act to provide funds for land acquisition or maintenance of historical sites.		BOS, PB, CC, HC		None required
Explore the development of a solar bylaw that is protective of the town's natural and agricultural resources.		PB		DLTA
Keep as many unpaved roads as possible and use minimal salt.		Highway Dept.		None required
Protect ridgelines but allow for recreational use.		PB, BOS		None required
Create an action plan for protecting priority sites. Establish a conservation fund through fund-raising and solicitation to purchase important natural resource land and other priority sites.		HC, BOS, Land Trust		MA Historical Commission, town funds
Conduct a heritage tree inventory and a strategy for proactively replacing those that are unhealthy and are likely to be lost through disease or purposely removed for public safety.		PB, Tree Warden		None required
Create an Agricultural Commission.		BOS		None required
Create an outreach program to work with local landowners, such as farmers and loggers, on Best Land Use Practices.		BOS, future Agricultural Commission (future Ag Comm.)		DCR, NRCS

Goal V. State and Town officials work with citizens to determine and implement the management of open space and recreational facilities.

<i>Suggested Actions</i>	<i>Priority for Action</i>	<i>Suggested Leadership</i>	<i>Year</i>	<i>Other Resources, Funding, Participants</i>
Continue roadside cleanup programs. Reach out to local school and civic groups as partners.		Land Trust		None required
Work with state officials to develop management		BOS, CC, MA Dept. of Conservation		DCR

plans for both state forests.	& Recreation (DCR)	
Inform the public about the importance of protecting open space and the financial and recreational return to the community.	PB, CC, DCR	DAR, NRCS
Post updates on state activities in the protected land.	BOS, Town Clerk, Assessor	None required
Insist access to high-speed internet service.	BOS	None required
Post state and community activities on town's website.	All Boards	None required.

Section 10

Public Comments

To be completed.

Section 11

References

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US Dept. of Agriculture and Soil Conservation Service, 1988. *Soil Survey of Berkshire County, MA*.

Appendix A: Maps

Appendix B:

Natural Heritage & Endangered Species Program Materials

Appendix C:

Public Participation Materials

Appendix D:

Materials regarding the Americans With Disabilities Act

