

Hubbardston Conservation Commission Minutes

February 4, 2015

Library Basement

Meeting called to order at 7:00p.m. in the Hubbardston Library Conference Room located in the Library Basement.

Present: Steve Mossey, Larry Therrien, Tom Larson, Pat Girouard

Absent: Tony Coppola

Guests: Peter Russell, Chuck Reed, representatives of Lovewell Pond Sporting Club

First Order of Business:

Peter Russell came before the board to discuss the dam and the complaint filed with the Conservation Commission in regards to filling in the cut. Mr. Russell showed the Commission which property he owned surrounding the pond and the pond itself. Mr. Russell stated they have a primary impoundment dam which everyone sees when they come to Lovewell Pond, also a lower control valve and a spillway which impounds this 90 acre plus pond. Mr. Russell also stated that he is in contact with DCR and they have filed dam safety inspection reports. Mr. Russell stated that Lovewell Pond Sporting Club has been before the Commission for various reasons over the years. Most recently they came before the Commission to apply for a permit to develop a maintenance plan for the pond. Lovewell Pond Sporting Club hired a consulting firm to help manage their property. There is a retainment dam behind lot 50 which belongs to the club. Mr. Steve Mossey, Mr. Larry Therrien and Mr. Tony Coppola did go out to visit the pond and see the dam which is in question. The cut was shown to the members of the commission. The determination of the Commission was that there was nothing done to the dam to cause it to back onto the abutter's property. Mr. Russell received a letter from the Commission to that effect, but Mr. Russell stated that the letter stated, "they did not want the cut to be closed as it would prevent water from flowing into the pond and damage the earthen dam." Mr. Russell stated that that statement was incorrect and what he did say is that he did not want to fill in the cut completely right up to the top of it. If Lovewell Pond Sporting Club did fill it, it would overflow the entire dam. Every dam should have some sort of spillway. The retention dam was built in the 1800's by hand, for the purpose of holding the pond from going off of its own property. Over the years someone cut a slot into it. That cut is as deep as the actual dam is high. Mr. Russell claims someone has been digging out that dam and throwing the rocks into the pond and on top of the dam. Mr. Russell is pointing that out because he has two things to request of the board tonight. The first is to introduce an idea, based on sketches he brought in, that would allow Lovewell Pond Sporting Club to restore that breach back to an elevation with a material that could not be removed like granite chunks or concrete. Lovewell

Pond Sporting Club is proposing that they fill in the breach with something up to that level where the water in the pond can't go back onto the neighbor's property. It would still allow the water from the neighbor's property to flow into the pond at a level approximately 1 inch higher than the main dam can hold. Lovewell Pond Sporting Club has established the height of the pond and the height of the flashboards. This was done with DEP several years ago. Mr. Russell would like the Conservation Commission to allow the water to be 1 inch above the boards so that it prevents water from going to the neighbor's property. Mr. Russell said that they haven't brought this to the Boards attention due to in the past nature has taken care of this, i.e. beavers. Mr. Russell stated that now someone is cleaning out the beaver dam. Mr. Russell said they do not have video of any of the things he has said have been happening. Mr. Russell would like to restore their dam to do what it was intended to do which is to hold Lovewell Pond from going into someone else's property. Mr. Russell said that Lovewell Pond is currently working under an Order of Conditions. Mr. Russell asked if the Order of Conditions allow them to restore the dam to what it was originally. Mr. Russell asked that since FEMA has said that they should remove the brush and trees off of dams because they are safety hazards, can they remove the vegetation off the dam utilizing the ice that is on the pond by going on there with snowmobiles. Mr. Russell asked that with the current permit, can they remove the vegetation from their dam due to safety hazards and also can they fill the cut one inch above the boards. Chairman Mossey said that because it's a maintenance plan, Lovewell Pond is maintaining the dyke which is part of the whole health of the pond. Mr. Mossey stated that since FEMA came up with their findings for maintaining dams, and Lovewell Pond Sporting Club would like to follow their recommendations, and because it's a maintenance plan, even though it doesn't state exactly what needs to be done, Mr. Mossey feels that getting the vegetation off of the dyke is acceptable maintenance. Mr. Larson asked how long this would take them to do. Mr. Russell said that it may take a day or two. Chairman Mossey stated that Mr. Russell needs to contact DCR to let them know what is going on and what they plan to do. Mr. Mossey stated that Mr. Russell needs to let DCR know that Conservation Commission does approve their maintenance plan. Chairman Mossey stated that by doing the maintenance it will alleviate the abutter's problem because it will not allow any heaving of the pond over and onto the abutter's side. Chairman Mossey asked that Lovewell Pond Sporting Club please keep the Conservation Commission in the loop as to what DCR agrees to and what they are doing at the pond.

Motion: Tom Larson

Second: Larry Therrien

Motion made to allow the Lovewell Pond Sporting Club to perform maintenance on the dyke by clearing off the vegetation, trees, etc. as long as Lovewell Pond Sporting Club contact DCR and let DCR know what Lovewell Pond Sporting Club's plan is and DCR does not have a problem with it. All in favor, motion carries.

Motion: Tom Larson

Second: Larry Therrien

Motion made to allow Lovewell Pond Sporting Club to work in the wetlands to bring the water level back to its original height following the guidelines of DCR and the Office of Dam Safety. All in favor. Motion carries.

Motion: Tom Larson

Second: Larry Therrien

Motion made to accept the minutes of December 9, 2014 and January 6, 2015. All in favor, motion carries.

Motion: Larry Therrien

Second: Steve Mossey

Motion made to adjourn at 8:14 pm with no further discussion. All in favor.

Approved:  Date: 4/14/15

