

LAKE WYOLA ADVISORY COMMITTEE

-Draft Minutes-

June 19, 2021 at 9:00 AM
Via Zoom

Members Present: John Gorey, Catherine Hilton, Tracy McNaughton, and Mark Rivers
Guest: Dave Green

1. The Minutes from the May 15, 2021, meeting were approve.
2. New Committee Member

The committee unanimously voted for David Green to join the committee. Dave had been an active member and previous Chair of the committee. Mark will send a note to the Select Board requesting that Dave and Mary David officially be added to the committee. The LWAC web page membership currently includes Richard Brazeau representing the town of Leverett. Mr. Brazeau was formerly a member of the Dam Management Committee during the dam rebuilding project. Catherine will looking into the status of his membership.

3. Status of Select Board's December 5th letter and May 18, 2021, follow-up letter regarding a request for the formation of a storm-water runoff committee.

We have had no response to our May 16, 2021, e-mail to the SB regarding clarifying our position. Mark also sent copies of the two letters to the Conservation Commission on May 16th. Mark and Tracy will look into attending a Select Board meeting.

4. Update on Locks Pond Road Culvert repair.

The Locks Pond culvert project is out to bid. It is believed that five contractors will bid on the project. Bids are due back 6/9/21. The funding of the project was approved at the June 12, 2021, Annual Town Meeting.

Nitsche Engineering, the design engineering company, will stay on the project through construction. The Order of Conditions was issued on 11/22/2020. Construction most likely will begin in September. Road will likely be closed for a week or two in September.

5. Con Com educational documents

A copy of two educational documents provided by the Conservation Commission were distributed to LWAC members and are attached to these minutes. Please feel free to forward them to any lake resident.

6. Status of the State Park's safety plans

Mark contacted the following public safety personnel in the hopes of establishing communication between the Shutesbury police, the DCR Rangers (DCR police), and the State Park Management.

- Kristin Burgess, Sargent in Charge, Shutesbury Police
- Mike Nelson, Director of Ranger Services, Department of Conservation and Recreation, Cell: 617-828-1651, mike.j.nelson@state.ma.us

- Dwayne Ericson, District Manager, DCR, dwayne.ericson@state.ma.us

Mr. Ericson is responsible for the portion of the state that includes Lake Wyola. He and his staff would be the best DCR resource for working collaboratively with Shutesbury Police and State Police on a traffic control plan for Lake Wyola.

According to Sergeant Burgess, she has been in contact with local park management and has a plan in place to handle safety issues related to overcrowding. Mark also recommended that she attend the June 12th Lake Wyola Association meeting.

7. North Cove Restoration

The committee discussed looking into beginning the restoration project by first doing “up stream remediation” to prevent additional silt contamination by creating a mechanism to trap silt before it can reach the lake. It is possible that some of the project will extend into Wendell so the committee wants to contact the Wendell Conservation Commission to let them know about the possible project.

8. Elliott Park Trash receptacle

Catherine purchased and installed a trash receptacle. If you notice that it is full, please replace the trash bag. Extra bags are stored inside of trash can.

9. Review of Investigative *E.coli* testing plan

At the October 3, 2020, meeting, the committee unanimously approved spending up to \$500 in the 2021 swimming season for *E.coli* testing at various locations around the lake, including at Elliott Park and the dam. In the event that high readings are obtained at any location, additional water samples will be tested to help determine the source and spread.

10. Update on Goose Egg Addling Permit for 2021

Attached is a copy of our 2021 permit. The committee would like to locate additional nests so that they could be addled in the spring of 2022. Tracy to look for volunteers to identify the location of geese nest in the South Cove area.

Meeting ended at 10:00

The next meeting is scheduled for July 17, 2021



**DIVISION OF
FISHERIES & WILDLIFE**

1 Rabbit Hill Road, Westborough, MA 01581
p: (508) 389-6300 | f: (508) 389-7890
MASS.GOV/MASSWILDLIFE

Jack Buckley, Director

Massachusetts Canada Goose Egg Addling Permit #LP21-06

Date: 19 March 2021

1. Permittee: Town of Shutesbury
One Cooleyville Rd.
Shutesbury, MA 01072
2. Name and title of Principal Officer/Owner/Tenant:
3. Names and addresses of persons authorized other than the Owner/Tenant:
Joe Salvador, 51 Merrill Drive, Shutesbury
Nick Yarmac, 16 Wyola Dr. Shutesbury
Francis Merrigan 12 Wyola Dr. Shutesbury
4. Location where authorized activity may be conducted:
Lake Wyola
5. Authorized to addle all eggs in up to 5 nest(s) of Canada geese. You may treat the eggs by oiling (using Egg Oil or 100% food grade corn oil, as per ADC Tech Note- June 1996), freezing, shaking, puncturing and immediately replacing the eggs for subsequent incubation, OR by removing and destroying these nests and any eggs contained therein. (see attached)
6. Eggs may not be collected, incubated, sold, bartered, or given away or removed to a different site.
7. A report detailing activities conducted under the authority of this permit must be submitted by October 31 of the permit year to
H W Heusmann
Mass. Div. Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

Failure to do so will result in loss of authority to addle eggs in future years.

Authorizing Signature:  For Mark Tisa

MASSWILDLIFE

CONSERVATION COMMISSION PERMITTING GUIDELINES FOR LAKE WYOLA

The Wetlands Protection Act prohibits removal, dredging, filling, or altering of Lake Wyola and the 100ft Buffer Zone around the lake without a permit.

The Public Waterfront Act prohibits structure, dredging, and fill work in, on, over or under the water of a great pond without a permit. Lake Wyola is a state listed great pond.

Note: The following permit guidelines relate only to Lake Wyola and its Buffer Zone. If there are other wetland resource areas on your property other permits may be required. If your project type is not in the list below, please contact the Shutesbury Conservation Commission (concom@shutesbury.org) to determine whether you need to obtain a permit.

Project Type	Required Permitting*
Docks	<ul style="list-style-type: none">• Generally requires a Request for Determination (WPA form 1) with the Shutesbury Conservation Commission, may require Notice of Intent (WPA form 3)• Chapter 91 license with the MA Department of Environmental Protection
Retaining walls within the Lake or Lake Bank†	<ul style="list-style-type: none">• Notice of Intent (WPA form 3) with the Shutesbury Conservation Commission• Chapter 91 license with the MA Department of Environmental Protection
Soil or Vegetation removal within Lake waterfronts	<ul style="list-style-type: none">• Notice of Intent (WPA form 3) with the Shutesbury Conservation Commission• Chapter 91 license with the MA Department of Environmental Protection
Soil or Vegetation removal on the Lake Bank	<ul style="list-style-type: none">• Notice of Intent (WPA form 3) with the Shutesbury Conservation Commission
Soil additions on the Lake Bank†	<ul style="list-style-type: none">• Notice of Intent (WPA form 3) with the Shutesbury Conservation Commission
Tree Cutting in the Buffer Zone	<ul style="list-style-type: none">• Request for Determination (WPA form 1) with the Shutesbury Conservation Commission
Other Buffer Zone projects (ex. Septic Systems)	<ul style="list-style-type: none">• Request for Determination (WPA form 1) with the Shutesbury Conservation Commission
Projects outside the Buffer Zone	<ul style="list-style-type: none">• No permit required so long as there is no negative impact to the Buffer Zone and Lake. <p><i>Recommendation: Install erosion control barriers between the Lake and the project. Do not leave any project debris within the Buffer Zone.</i></p>

† Bank is defined in the Wetland Protection Act Regulations 310 CMR 10.54(2)
<https://www.mass.gov/doc/310-cmr-1000-the-wetlands-protection-act/download>

*Some activities are exempt.

Visit the following links for Buffer Zone and Chapter 91 exemptions.

<https://www.longmeadow.org/DocumentCenter/View/852/Exempt-Minor-Activities-PDF?bidId=>

<https://www.mass.gov/guides/chapter-91-the-massachusetts-public-waterfront-act#-chapter-91:-an-overview-and-summary>

*Massachusetts Department of
Environmental Protection*

*Landscaping Activities and
the Massachusetts Wetlands
Protection Act*



Wetlands Protection Program

The Wetlands Protection Act [Massachusetts General Laws (MGL) Chapter 131, Section 40] protects wetlands ("resource areas") and the public interests they serve, including:

- protection of public and private water supply
- protection of ground water supply
- flood control
- storm damage prevention
- prevention of pollution
- protection of land containing shellfish
- protection of fisheries
- protection of wildlife habitat

These public interests are protected by regulating activities that may alter wetlands.

Municipal conservation commissions administer the Wetlands Protection Act. The commission is a volunteer board of three to seven members typically appointed by the selectboard or city council. The Department of Environmental Protection (MassDEP) oversees administration of this law. MassDEP develops regulations and policies, and provides technical training to commissions. MassDEP also hears appeals of decisions made by commissions.

What are these protected regulated areas?

Bordering Vegetated Wetlands – Wet Meadows, Marshes, Swamps and/or Bogs that border rivers and streams, ponds and lakes.

Land Under Water Bodies and Waterways – land under any Creek, River, Stream, Pond or Lake.

Land Subject to Flooding – floodplains such as those mapped by FEMA

Bank – of any Creek, River, Stream, Pond and/or Lake.

Riverfront Area – all the land between a river's mean annual high water line and a parallel line measured 200 feet out.

100 Foot Buffer Zone - both Bank and Bordering Vegetated Wetlands have a 100 foot area known as the buffer zone.

The conservation commission ensures that proposed activities will not alter resource areas and the public interests they provide by reviewing projects on a case-by-case basis according to regulations [310 Code of Massachusetts Regulations (CMR) 10.00]. The regulations describe how each type of resource area provides one or more of the public interests. The regulations also spell out the type and extent of work

allowed in resource areas. Proposed work must meet these standards. This information helps landowners and developers plan their work and helps commissions apply the law to specific projects.

The law regulates many types of work in resource areas, including vegetation removal, regrading, and construction of houses, additions, decks, driveways, and commercial or industrial projects. If you want to work in a resource area or within the 100 foot Buffer Zone, contact the conservation commission before you start work.

If you are unsure whether your proposed work site is in a resource area or whether the work will alter a resource area, you can submit a Request for Determination of Applicability. If the conservation commission determines that the work will alter a resource area, you must file an application, called a Notice of Intent (NOI), and pay an application fee.

Certain landscaping activities are considered exempt if conducted within the Riverfront Area or within the Buffer Zone to Bank and wetlands.

These exempt activities are:

1. Unpaved pedestrian walkways less than 30 inches wide for private use and

less than three feet wide for public access on conservation property;

2. Fencing, provided it will not constitute a barrier to wildlife movement; stonewalls; stacks of cordwood;
3. Vista pruning, provided the activity is located more than 50 feet from the mean annual high water line within a riverfront area or from bordering vegetated wetland, whichever is farther;
4. Plantings of native species of trees, shrubs, or groundcover, but excluding turf lawns;
5. The conversion of lawn to uses accessory to residential structures such as decks, sheds, patios, and pools, provided the activity is located more than 50 feet from the river's edge within the riverfront area or from bordering vegetated wetland, whichever is farther, and erosion and sedimentation controls are implemented during construction
6. The conversion of impervious surfaces to vegetated surfaces, provided erosion and sedimentation controls are implemented during construction; and
7. Activities that are temporary in nature, have negligible impacts, and

are necessary for planning and design purposes.

Other activities are also not regulated:

1. Mowing of existing lawns; and
2. Pruning of existing landscaped areas.

Local Wetlands Bylaws

Almost 200 Massachusetts communities have local wetlands protection bylaws in addition to the state and federal laws described here. Contact the conservation commission at your city or town hall for more information about local bylaws.

If you are not sure whether or not the work you are doing is an exempt activity, you should contact your local conservation commission.

For more information:

Contact Shutesbury Conservation Commission at 413-259-3792 or email to concom@shutesbury.org

MassDEP's Western Region Circuit Rider, Mark Stinson at 413-755-2257 or email to mark.stinson@state.ma.us

