

## **February 27, 2024, Meeting of the Hinsdale Lake Management Committee: Meeting Minutes**

Town of Hinsdale, MA

In-Person Meeting at the Town Hall with Remote Access via Zoom

Members Present at Town Hall: Monica Montferret (MM), Duane Bruce (DB), Brian DiOrio (BD), Matt Goggin (MG)

Member Present via Zoom: Heather Lee (HL)

MM opened the meeting at 6:05pm. DB noted that his practice as secretary has been to list by name the members of the public in attendance in-person or via Zoom. He asked if such a listing was required, and Bob Graves told him it was not, but that when a member of the public addressed the committee he or she should be identified by name. DB will from now on identify by name only those members of the public who speak at LMC meetings

MM asked if there were any corrections or additions needed for the January minutes. HL moved that the minutes be accepted as written. MG seconded the motion, and it passed unanimously.

### **Discussion of dock bubblers/circular fan ice eaters:**

MM presented a brief history of the involvement of the LMC in issues related to the use of bubblers. In 2021, LMC was alerted to the use of a bubbler on Ashmere. The Conservation Commission expressed doubts about its jurisdiction over such devices, and when asked DEP said they only regulate great ponds. The LMC winter 2023 newsletter mentioned the use of bubblers. The Hinsdale chief of police was not able to find any information on jurisdictional issues. A DCR official suggested that a harbor master would have authority over bubblers.

In February, 2023, MM presented to the Select Board three options for the use of bubblers in Hinsdale: 1. Ban their use via a bylaw; 2. Regulate their use via bylaw or Conservation Commission involvement; 3. Do nothing; that is, neither regulate nor ban. The Select Board indicated they wanted to see how other communities-particularly Pittsfield- handled bubblers.

On February 9, 2024, Mark Stinson, a regional official of MA DEP, e mailed MM and stated "Clearly, at least in my regulatory mind, putting in an aerator is an alter." Since alterations to a body of water are regulated by the Wetlands Protection Act, for which the Conservation Commission has responsibility, Mr. Stinson seemed to be implying that approving and regulating the use of aerators does fall under the jurisdiction of the Conservation Commission. The Conservation Commission has noted that anyone can file an RDA concerning the installation of a bubbler; the RDA need not be filed by the owner of the device. Even if it makes a negative determination of applicability, the Commission can set conditions of use.

MM forwarded to the Select Board on February 16, 2024, Mr. Stinson's e mail and additional information about the use of bubblers, including the Monterey bylaw that bans them and the Tyngsborough bylaw that regulates them. The Select Board denied MM a place on its meeting agenda to address bubblers. The Lake Management Committee is interested in knowing how town residents feel about bubblers before moving forward on the issue.

Kimberly Wilson noted that on February 4, 2024, she fell into open water at Ashmere, water that had been opened by a bubbler. She had been walking on the ice with her grandson and dog. When she unleashed the dog, it slid into the open water. MS Wilson attempted to reach the dog, but the ice

shattered as she approached the dog, and she too fell into waist deep water. She was able to reach the shore with the dog, but the whole experience was traumatic for her and her grandson. She asked the police to put up signs indicating unsafe ice. She was told the Hinsdale Police do not have the authority to post such signs. They suggested she call the Environmental Police. She spoke to Bob Graves, who placed on the town web site an article pleading with residents to be careful on the ice. She emphasized the need to regulate the use of bubblers because of the potential danger they create for individuals walking on the ice.

Keith Levernoch defended the right of residents to use bubblers. He noted that open water, whether caused by nature, by culverts, or by a bubbler, is always present and that it is the responsibility of those who choose to walk on the ice to be aware of the danger of open water. He also noted that unleashing the dog was a violation of the town leash law.

Lori Madison stated that neighboring property owners have the right not to have the ice in front of their property turned into open water by a neighbor's bubbler.

Amy Fox noted that she has used a bubbler since 2016 and that residents have the right to protect their docks from ice damage by using bubblers.

Fred Wang noted that the lakes are communal property. It is everyone's responsibility to use them well. He suggested that the Lake Management Committee do more research on the use of bubblers, generate a set of guidelines on their use, and invite public comment on those guidelines. The goal should be to come up with a set of best practices that allows for the responsible use of bubblers. If best practices are ignored, then advocating regulation by bylaw or Conservation Commission involvement would be the next step.

The consensus within the committee was that Mr. Wang's suggestion was sensible, and the committee agreed to do the research and come up with best practices guidelines.

### **Plunkett Reservoir**

MM noted that the town is considering hiring an engineer to help craft an NOI for Plunkett

The dam/spillway engineering report is not yet ready. A key issue is how much water the lake contains, or has the capacity to contain. Fred Wang emphasized that the amount of water is a critical issue and that the committee should see the data points that are used to measure lake capacity. He stressed the importance of sound data.

GEN-H visited Plunkett and concluded that the spillway is not steep enough and long enough to generate much electricity.

### **Ashmere Lake**

MM has discussed with Chris Hajjir, the supervisor of Pittsfield State Forest who monitors Ashmere for DCR, the winter water level at Ashmere. He noted that this has been a particularly difficult winter for maintaining optimal levels because of the frequent rain storms.

### **Survey Results**

HL reviewed the results of the survey included in the January newsletter and we considered the option of including the results in the next newsletter.

#### **Lake Management 2025 Budget Inputs**

MM has not received full budget information from Bob Graves. However, she was told that he put Plunkett settlement pond dredging back into the budget, and he has asked Solitude for two budgets-one with and one without the addition of Procella-COR.

#### **Solitude 2023 EOY Report**

MM noted that Solitude did this year's final survey much earlier than past surveys. It's likely that there was some weed growth after the survey was completed.

AT 8:20pm DB moved to adjourn; HL seconded the motion, and it was supported unanimously.

Duane Bruce, Secretary