

Conservation Commission
March 2, 2009
Minutes
Lee Town Hall

Members present:

Chair Neal Carpenter, NC; Joe Strauch, JS; Tim Flanagan, TF; Vince Ammendola, VA

Absent with notification: Dick Ferren, DF; Rose Fitzgerald Casey, RFC; and David Lane, DL

Members of the Lee Conservation Commission present were:

Chair Deborah Garry, DG; John Philpot, JP; Marilyn Hansen, MH; and Kathie Arment, KA

Staff present: Martie Martin, the Administrative Assistant for the Lee Conservation Commission, and Peggy Ammendola for the Lenox Conservation Commission.

Laurel Lake Preservation Association, Inc., NOI, Laurel Lake: NHESP Tracking number 08-25953; Lenox DEP File Number 198-0242; Lee DEP File Number 196-0371. This was a joint public hearing with the Town Of Lee on the subject of Notices of Intent filed by Laurel Lake Preservation Association, Inc. for property located at Laurel Lake in Lee and Lenox. The applicant is seeking permission to begin a multiple year, integrated management program to control aquatic vegetation utilizing area-selective treatments with USEPA/MA DAR registered herbicides, drawdown and hand-pulling. (*Continued from January 15, 2009 and February 19, 2009*)

Presenting the NOI was Marc Bellaud, Senior Biologist with Aquatic Control Technology, Inc. Penny Carey who represents the Laurel Lake Preservation Association, Inc. was also present.

Mr. Bellaud presented a brief review of the proposal.

NC referred to two letters received from the Division of Fisheries and Wildlife, Natural Heritage & Endangered Species Program that are dated December 29, 2008 and February 9, 2009. NC stated that he did not understand how both Commissions could rule on the Notices of Intent before LLPA, Inc. complied with the requirements of NHESP. Mr. Bellaud stated that he understands the NHESP requirements are conditions of approval where activities need to be done before herbicide application.

TF explained that there are two separate jurisdictions requiring two separate performance standards, one for NHESP and the other for DEP. The NOI as presented does not follow the steps as outlined by Guidance for Aquatic Plant Management in Lakes and Ponds, as it relates to the Wetlands Protection Act. He stressed the need for the applicant to follow the steps as outlined in that document. He also recommends that they read Massachusetts Volunteers Guide for Surveying a Lake Watershed & Preparing an Action Plan.

In answer to TF comment, both Mr. Bellaud and Ms. Carey referred to a 2002 comprehensive study that was done by ESS. The LLPA, following the plan outlined in that study has begun hand pulling of the milfoil as the first step, the NOI being the second step.

Concern was expressed by NC about the sediment and the affect of the Diquat. Discussion ensued. Mr. Bellaud said that Diquat is licensed for use in the state and has been approved by DEP. TF said this product becomes biologically quiet but not inactive.

JS asked for more quantitative data and questioned the long term effects and whether it is effective.

At this point Mr. Bellaud provided additional information consisting of figures, graphs etc. He said that in the first year, Diquat treatment will reduce the milfoil by up to 95 %. If nothing is done the second year, it will come back, but at less density. They want to get the density down, get the infestation under control to be able to manually remove or use suction methods to try to eliminate as much as possible. They wish to reduce the frequency the scope, cost, and impact of the treatment.

JP acknowledged the efforts of the Association and stated that no one wants to take ownership of the Lake. TF told the applicants that the NOI is incomplete and the lack of baseline information is a problem and stated the necessity in following the steps outlined in the two publications to which he referred.

Audience members who expressed opinions and concerns were:

Mercedes Gallagher
Ed Handberg, Sandy Beach Committee
Richard Christman
Deidre Consolati
Monica Ryan
Gail Ceresia
Lynn Cataldo

Mercedes Gallagher gave the Commissioners a copy of a document which referred to the Center Pond Weed Project and reported that the native plants have not been negatively effective, no long term effect on the yellow perch. She suggests a survey of invertebrates, mussels, and dragon fly larvae for any negative effect on ecological system. She supports hand pulling. Mr. Bellaud responded that some of Ms. Gallagher's toxicity concerns were taken out of context of the documents she referenced and that he does not believe than any studies have been done on fish and cray fish at Center Pond. He stated the applicants learned that the treatment of one acre of a 120 acre lake would have a low probability of success but that it was a compromise of hand pulling and chemical treatment and that it was not fair to characterize it as a failure. Hand pulling at Laurel Lake would be well over \$12,000.00 a year.

Ed Handberg, Operations Manager of Sandy Beach Committee, stated that Laurel Lake is an extremely healthy natural lake fed by 32 springs. The beach has been in existence for 83 years. They have a weed program that they have used a hydro rake successfully for 12 years. He is opposed to the use of chemicals but rather hand pulling and hydro rake.

Deidre Consolati, gave a four page report of the Sandy Beach Committee which does not support the use of chemicals.

Monica Ryan promotes the use of weevils to control milfoil and opposes the use of chemicals.

Also speaking against the use of chemicals in Laurel Lake were Gail Ceresia and Lynn Cataldo.

Documents that have been provided by applicants and citizens:

- Responses to Questions from both Commissions

- Treatment with Diquat from The Practical Guide to Lake Management in Massachusetts
- Aquatic Control Technology letter of January 8, 2009
- Sandy Beach Committee letter of March 2, 2009
- Hand-Pulling the Weeds at Three Becket Lakes, January 24, 2009, Center Pond
- Ray Grogan's letter of December 8, 2008 with Report and Evaluation of the Grant Awarded in Fall of 2007

JS made a motion to continue the hearing to April 2, 2009 at 7:30 pm at Lenox Town Hall and VA seconded the motion.

JP made a motion to continue the hearing to April 2, 2009 at 7:30 pm at Lenox Town Hall and KA seconded the motion.

All members of both Commissions voted to agree.

Martie Martin of the Lee Conservation Commission made available her email address to those wishing copies of documents.

The meeting was adjourned at 9:55 pm.

Respectfully submitted,
Peggy Ammendola