

Cedar Meadow Lake Watershed District

CEDAR MEADOW LAKE

2011 - 2012

ACTION PLAN

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CURRENT SITUATION

May 2011

The dam is considered to be in fair condition by the Massachusetts Office of Dam Safety, primarily due to the presence of large diameter trees within 15 feet of the downstream toe of the dam. The Office of Dam Safety is concerned that the integrity of the dam could be damaged if these trees were uprooted during heavy rain and wind conditions, and wants these trees removed. The land below the dam is owned by Raymond E. Shea, Jr. who has repeatedly refused the District access to remove the trees.

Efforts to stop, or to minimize, water leakage through the dam have been fairly successful over the past 13 or 14 years. Professional divers were used to locate leaks on the face of the dam, and most of these leaks were repaired by sealing the water side face of the dam with concrete grout. However, recent efforts to find persistent relatively minor leaks were unsuccessful and additional leakage was observed this Spring for the first time.

The proliferation of nuisance aquatic vegetation continues to be a problem in the lake. The lake is on the State's (303d) impaired waters list for this reason. The District's annual draw down program has successfully reduced the weed population in most shoreline areas. However, the weed population in the coves on the northern end of the lake is increasing.

The District took the dam and land under the lake by eminent domain in 1997 after seven frustrating years of lower than normal summer water levels due to poor dam conditions. The prior owner of the dam and land under the lake, Central Water District Associates (CWDA), refused to repair the dam or to allow the District to make repairs, or pay for repairs, to the dam. Necessary repairs were made to the dam by the District in 1997, and the lake has been full, or nearly full, each summer since. CWDA successfully sued the District seeking a higher amount than the amount paid for the property in 1997. Following a 2009 Superior Court trial, a jury found that, at the time of the taking, the land under the lake and dam were worth \$1.1 million more than the amount paid by the District. Statutory interest, when added to this, raised the amount owed by the District to CWDA to \$1.6 million. CWDA also sought higher interest rates than those allowed by statute. The presiding judge granted the District's motion for "summary judgement" concerning the matter of the higher interest, ending CWDA's efforts to gain higher interest through a second trial for this purpose. CWDA appealed the judge's decision. Legal briefs were entered by both sides and oral arguments were made before the Massachusetts Court of Appeals in February 2011. A ruling is expected later this year. The lower court also decided that the \$1.1 million jury verdict amount could not be collected until the matter of the higher interest sought by CWDA is concluded.

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2011 - 2012
ACTION PLAN**

GOAL 1. DAM MAINTENANCE

Maintain the dam in good condition and provide the ability to engage in periodic draw downs or other actions to maintain the lake in good condition. Routine maintenance will include monthly mowing of the upper dam surface.

Responsibility: Management Committee with assistance of qualified contractors

Resources: Funds contained in the Annual Budget

GOAL 2. TREE REMOVAL

Continue to seek access to the property on the south side of the dam to cut large trees within 15 feet of the dam structure as ordered by the Office of Dam Safety.

Responsibility: Management Committee

Resources: Funds contained in the Annual Budget

GOAL 3. ENGINEERING SERVICES

Engage the services of an engineering firm to provide expertise and guidance with respect to the maintenance and repair of the dam.

Responsibility: Management Committee

Resources: Funds contained in the Annual Budget

GOAL 4 REPAIR DAM

Continue to find and stop the leaks in the dam. Coordinate dam repairs with the annual draw down if possible.

Responsibility: Management Committee with assistance of volunteer divers, volunteer workers, and qualified contractors when necessary.

Resources: Funds contained in the Annual Budget

GOAL 5: CONDUCT WATER QUALITY MONITORING PROGRAM

Measure total phosphorus content and clarity through the collection and analysis of lake water samples.

Responsibility: Management Committee with assistance of volunteers

Resources: Volunteer hours and low cost analysis

CEDAR MEADOW LAKE
2011 - 2012
ACTION PLAN
(continued)

GOAL 6. WEED CONTROL

Draw down the lake five feet beginning in late September or early October and maintain this water elevation until the lake bottom freezes for weed control purposes. Thereafter, efforts will be undertaken to maintain lake levels between 24 and 36 inches below the spillway elevations during that portion of the winter when the lake is covered with ice to minimize ice damage to shoreline structures.

Responsibility: Management Committee

Resources: Volunteer hours and minor administrative expenses

GOAL 7: LEGAL DEFENSE

Seek and achieve the best possible outcome for the District in the matter of Central Water District Associations v. the Cedar Meadow Lake Watershed District.

Responsibility: Management Committee with assistance of legal counsel

Resources: Funds contained in the Annual Budget

GOAL 8: FRIENDS PROGRAM

Continue to implement a program to solicit voluntary contributions from non-Proprietor neighbors that might use or otherwise enjoy the lake.

Responsibility: Management Committee

Resources: Minor postage and copying expenses

GOAL 9: COMMUNICATIONS

Communicate information regarding happenings on and around the lake through periodic newsletters and the District's web site www.cedarmeadow.org.

Responsibility: District Clerk

Resources: Funds contained in the Annual Budget