

**CEDAR MEADOW LAKE  
2012 - 2013  
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. Permanently install siphons to enhance draw down capacity. 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. ENGINEERING SERVICES**

Engage the services of an engineering firm to provide expertise and guidance with respect to the maintenance and repair of the dam. Complete State mandated Phase I follow-up inspection.

Responsibility: Management Committee

Resources: Funds contained in the Annual Budget

**GOAL 3. DAM REPAIR**

Continue to find and stop leaks in the dam. Periodically repair the concrete surfaces of the dam and spillway. 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 4. TREE REMOVAL**

Acquire the land on the south side of the dam to cut large trees and brush 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 5. LEGAL DEFENSE**

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

Responsibility: Management Committee with assistance of legal counsel

Resources: Funds contained in the Annual Budget

**2012 - 2013  
ACTION PLAN  
(continued)**

**GOAL 6. FINANCING**

Appoint a committee to help administer long term financing to pay the judgement against the District, and to help manage District investments. Work with Town officials to bill repayment to District members and to help manage District investments.

Responsibility: Management Committee

Resources: Volunteer hours and minimal administrative expenses

**GOAL 7: CONDUCT WATER QUALITY MONITORING PROGRAM**

Measure total phosphorus content and clarity through the collection and analysis of lake water samples. Informally, collect and measure bacteria counts.

Responsibility: Management Committee with assistance of volunteers

Resources: Volunteer hours and low cost analysis

**GOAL 8. 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, endeavor 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. Appoint a committee of volunteers to study and map non-native aquatic weed populations in the lake and to recommend programs to eliminate or reduce these populations, particularly the Fanwort in two northern coves.

Responsibility: Management Committee

Resources: Volunteer hours and minor administrative expenses

**GOAL 9. FUND RAISING Replaces Friends Program**

Continue to implement a program to solicit voluntary contributions from non-member neighbors that might use or otherwise enjoy the lake, and to identify and implement other programs and activities to raise funds to offset District operating costs.

Responsibility: Management Committee with assistance of volunteers

Resources: Minor postage and copying expenses

**GOAL 10. COMMUNICATIONS**

Communicate information regarding happenings on and around the lake through periodic newsletters and the District's web site [www.cedarmeadow.org](http://www.cedarmeadow.org).

Responsibility: District Clerk and District Treasurer

Resources: Funds contained in the Annual Budget

# **Cedar Meadow Lake Watershed District**

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#### CURRENT SITUATION

May 2012

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 seepage was observed this Spring of 2011.

This seepage carried away material within the dam structure and, following the heavy rain of Hurricane Irene in August 2011, a small portion of the dam crest collapsed into the void created by this seepage. Temporary repairs were quickly made to make the dam safe. Plans are underway to stop this seepage in the Spring of 2012, and during the Fall draw down later in the year.

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. The presiding judge granted the District's motion for "summary judgement" concerning CWDA's efforts to gain \$700,000 in higher interest through a second trial for this purpose. CWDA appealed the judge's decision. The Massachusetts Court of Appeals considered the matter and concluded that compound interest should have been applied and awarded approximately \$100,000 in additional interest. A "judgement" was finally issued by the Superior Court in December 2011. The District is currently considering whether and how to pay the full judgement and interest now totaling more than \$1.7 million.

