

Town of Lunenburg

CONSERVATION COMMISSION

Richard A. Bursch, Chairman
John T. Rabbitt, Vice Chairman
Thomas J. Bertram
Todd D. Dwyer
Kenneth J. Jones
Bradford W. Kennedy
Carl A. Luck



Ritter Memorial Building
960 Massachusetts Avenue
Lunenburg, MA 01462
(978)582-4146 x431
Matthew S. Marro
Consulting Agent
Janice P. Carrier
Administrative Assistant

October 13, 2015

Joanna Bilotta-Simeone
Lake Shirley Improvement Corporation
P O B 567
Shirley, MA 01464

Re: Order of Conditions DEP#208-1064
Lake Shirley

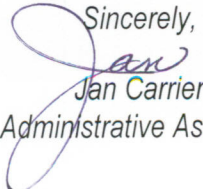
Dear Applicant:

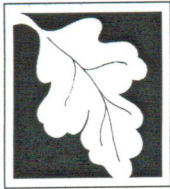
Enclosed is the Order of Conditions for the above reference project.

There is a ten (10) business day period in which you or other persons may file an appeal on this Order of Conditions to the Department of Environmental Protection. Once the ten day appeal period has lapsed and no appeal has been filed, the OoC **MUST** be recorded at the Registry of Deeds. The recording receipt on the final page of the OoC **MUST** be returned to this office, bearing the book and page notation from the Registry. No work may commence until the OoC has been recorded at the Registry and the recording information returned to this office.

When the project is complete, you should call this office and request a final inspection and a Certificate of Compliance.

If you have any question concerning the procedures of the Conservation Commission or your responsibilities, please contact me.

Sincerely,

Jan Carrier
Administrative Assistant.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 208-1064
 MassDEP File # _____
 eDEP Transaction #
 Lunenburg
 City/Town _____

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
 Northern Worcester County Registry of Deeds
- a. County _____ b. Certificate Number (if registered land) _____
- c. Book _____ d. Page _____
7. Dates: 7/5/2015 a. Date Notice of Intent Filed 10/7/2015 b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
- a. Plan Title _____
- b. Prepared By _____ c. Signed and Stamped by _____
- d. Final Revision Date written _____ e. Scale 7/1/2015
- f. Additional Plan or Document Title _____ g. Date _____

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
- Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- a. Public Water Supply b. Land Containing Shellfish c. Prevention of Pollution
 d. Private Water Supply e. Fisheries f. Protection of Wildlife Habitat
 g. Groundwater Supply h. Storm Damage Prevention i. Flood Control
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



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B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) _____ a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	_____ a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	_____ a. square feet _____ e. c/v dredged	_____ b. square feet _____ f. c/v dredged	_____ c. square feet	_____ d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
Cubic Feet Flood Storage	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
Cubic Feet Flood Storage	_____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input type="checkbox"/> Riverfront Area	_____ a. total sq. feet	_____ b. total sq. feet		
Sq ft within 100 ft	_____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet
Sq ft between 100-200 ft	_____ g. square feet	_____ h. square feet	_____ i. square feet	_____ j. square feet



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B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

- | | Proposed
Alteration | Permitted
Alteration | Proposed
Replacement | Permitted
Replacement |
|--|---|-------------------------|-------------------------|--------------------------|
| 10. <input type="checkbox"/> Designated Port Areas | Indicate size under Land Under the Ocean, below | | | |
| 11. <input type="checkbox"/> Land Under the Ocean | _____ | _____ | | |
| | a. square feet | b. square feet | | |
| | _____ | _____ | | |
| | c. c/y dredged | d. c/y dredged | | |
| 12. <input type="checkbox"/> Barrier Beaches | Indicate size under Coastal Beaches and/or Coastal Dunes below | | | |
| 13. <input type="checkbox"/> Coastal Beaches | _____ | _____ | _____ cu yd | _____ cu yd |
| | a. square feet | b. square feet | c. nourishment | d. nourishment |
| 14. <input type="checkbox"/> Coastal Dunes | _____ | _____ | _____ cu yd | _____ cu yd |
| | a. square feet | b. square feet | c. nourishment | d. nourishment |
| 15. <input type="checkbox"/> Coastal Banks | _____ | _____ | | |
| | a. linear feet | b. linear feet | | |
| 16. <input type="checkbox"/> Rocky Intertidal Shores | _____ | _____ | | |
| | a. square feet | b. square feet | | |
| 17. <input type="checkbox"/> Salt Marshes | _____ | _____ | _____ | _____ |
| | a. square feet | b. square feet | c. square feet | d. square feet |
| 18. <input type="checkbox"/> Land Under Salt Ponds | _____ | _____ | | |
| | a. square feet | b. square feet | | |
| | _____ | _____ | | |
| | c. c/y dredged | d. c/y dredged | | |
| 19. <input type="checkbox"/> Land Containing Shellfish | _____ | _____ | _____ | _____ |
| | a. square feet | b. square feet | c. square feet | d. square feet |
| 20. <input type="checkbox"/> Fish Runs | Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above | | | |
| | _____ | _____ | | |
| | a. c/y dredged | b. c/y dredged | | |
| 21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage | _____ | _____ | | |
| | a. square feet | b. square feet | | |



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B. Findings (cont.)

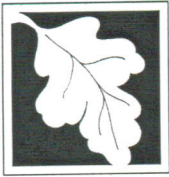
*#22. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BWV) or B.17.c (Salt Marsh) above, please enter the additional amount here.

22. Restoration/Enhancement: *
- | | |
|-----------------------|------------------------------|
| a. square feet of BWV | b. square feet of salt marsh |
|-----------------------|------------------------------|
23. Stream Crossing(s):
- | | |
|-----------------------------------|---|
| a. number of new stream crossings | b. number of replacement stream crossings |
|-----------------------------------|---|

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on **10/7/2018** unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,
"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 208-1064 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.



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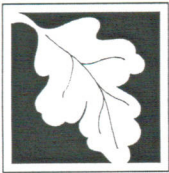
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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. **The work associated with this Order (the “Project”) is (1) is not (2) subject to the Massachusetts Stormwater Standards. If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**
- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
 - iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
 - v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

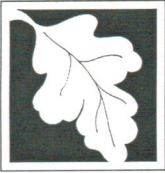


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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

See attached Special Conditions



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The Lunenburg Conservation Commission hereby finds (check one that applies):
 Conservation Commission
- a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw _____ 2. Citation _____

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

1. Municipal Ordinance or Bylaw _____ 2. Citation _____

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):



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G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Lunenburg Conservation Commission

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Lunenburg Conservation Commission

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Lake Shirley

208-1064

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

Northern Worcester County Registry of Deeds

County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

10/7/2015

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

LUNENBURG CONSERVATION COMMISSION
SPECIAL CONDITIONS FOR ORDER OF CONDITIONS
September 17, 2015

1. Development of a Comprehensive Lake Management Plan as described in the DEP 2004 Lake Management Guide. The plan must be submitted and approved prior to any activities with the exception of emergency algae treatments in 2015 or water level drawdown in 2015.
2. The plan is to be revised at no greater than 3 year intervals and provide a historical accounting of activities for future review. This plan should be considered a living document that is being developed to provide a structure to layout a process to document the conditions of Lake Shirley how to manage the problems affecting the lake, document the success of the management activities, act as an information repository for review and to research and review the next step in protecting the lake for the future.
3. All activities shall follow the guidelines and procedures set forth in the most recent Eutrophication and Aquatic Plant Management in Massachusetts Final Generic Environmental Impact Report (GEIR), unless revised by the Lunenburg Conservation Commission.

Drawdown

1. Drawdowns are to be varied from 3 ft. to 6 ft., due to historic impacts to shallow wells. A plan to eliminate the shallow wells needs to be researched to allow for periodic deeper drawdowns. Drawdown will strive follow the recommendations of the Metcalf & Eddy report
2. Drawdown rate and downstream flows shall be maintained as described by the GEIR or mandated by DEP.
3. Weekly lake level and stream flows shall be logged and submitted with annual report.

Chemical Control

1. During the annual report review, all products for the next year will be submitted for review and approval. If a product is not previously approved a report will be submitted including label, reasoning for product recommendation, real world experience and real world testimonials for review and approval. Any limits in excess of labeling imposed by the LCC will be presented to LSIC at the time the product is approved for use and remain in effect until such time as altered by LCC, (including but not limited to, well testing, treatment area restrictions, chemicals, etc.)
2. Pre-treatment report shall define each testing point and justify treatment recommendations based on each point. Recommendations shall be based on population, percentage of nuisance or invasive weeds and the best product for control. Any product applied will be labeled for use in Massachusetts to control the target aquatic weeds, applied by a Massachusetts licensed applicator and using a delivery system that can be properly metered to ensure correct application. All precautions listed or recommended safety procedures will be noted in pre-treatment report and followed during use. Any limits in excess of labeling imposed by the LCC will be presented to LSIC at the time the product is approved for use and remain in effect until such time as altered by LCC.
3. Pre-Treatment report shall be reviewed with LCC prior to treatment. The applicator's name, a copy of their current Massachusetts Pesticide License and a certificate of insurance shall be furnished to the LCC prior to treatment.
4. Unless approved by Town of Shirley Conservation Commission, no chemical treatments will be allowed within 1300 feet of the town boundary line.
5. Treatment Notice will be posted in local newspaper, on LSIC website, Town of Lunenburg website, Lunenburg Access Channel, Verbal notice at Board of Selectmen's Meeting and posted at any public access point to Lake Shirley a minimum of 1 week prior to treatment. The notice will contain a listing of all products being applied, all precautions to people in the treatment area and re-entry information. LSIC will also have available on their website information about the treatment, products being used, sample labels of the products and any precautions for public safety.
6. Post treatment report for each product applied will contain, time of application, product and quantity of product used, a map showing GPS or approximate track taken during application, water temperature, water level, weather conditions, any other conditions noted that may affect the effectiveness of the products used, the applicator's name, a copy of their current Massachusetts Pesticide License and a certificate of insurance. The post treatment report will be submitted to the LCC with annual report.

Algae Control

1. During the annual report review, all products for the next year will be submitted for review and approval. If product is not previously approved a report will be submitted including label, reasoning for product recommendation, real world experience and real world testimonials for review and approval. Any limits in excess of labeling imposed by the LCC will be presented to LSIC at the time the product is approved for use and remain in effect until such time as altered by LCC.
2. Weekly surveys will be performed to gather water samples from each of the 3 basins for algae counts and a clarity check will be performed in multiple areas of differing depths in the 3 basins. Locations and timing will be determined during annual report review. Weekly reports will be sent to LCC for review. Algae counts will be reported in season no less than bi-monthly and water clarity no less than weekly and included in annual report.
3. Any product applied will be labeled for use in Massachusetts to control the target aquatic weeds, applied by a Massachusetts licensed applicator and using a delivery system that can be properly metered to ensure correct application. All precautions listed or recommended safety procedures will be noted in pre-treatment report and followed during use. Any limits in excess of labeling imposed by the LCC will be presented to LSIC at the time the product is approved for use and remain in effect until such time as altered by LCC.
4. Application of products can commence when cell counts or biomass totals are deemed to be above a level where immediate treatment is required. This level will be set during the annual report review and specific to the product recommended.
5. Unless approved by Town of Shirley Conservation Commission, no chemical treatments will be allowed within 1300 feet of the town boundary line.
6. Prior to any application the LCC will be notified and reports showing levels exceeding the approved threshold will be submitted. Due to the time sensitive nature of algae treatment the LCC agent is empowered to grant permission for algae control treatment. The applicator's name, a copy of their current Massachusetts Pesticide License, a certificate of insurance and a listing of products to be applied shall be furnished to the LCC prior to treatment.
7. All notification channels (local newspaper, on LSIC website, Town of Lunenburg website, Lunenburg Access Channel, Verbal notice at Board of Selectmen's Meeting and posted at any public access point to Lake Shirley) will be used, as time permits, to inform residence of the treatment and treatment precautions to be followed.
8. Post treatment report will contain, time of application, products and quantities of products used, a GPS or approximate track taken during application, water temperature, water level, weather conditions and any other conditions noted that may affect the effectiveness of the products used. The post treatment report will be submitted to the LCC with annual report.

Annual Reporting

1. An annual reporting of the activities that took place as part of the management of Lake Shirley will be presented in person at a public meeting of the LCC by a member or representative of the LSIC. The annual report will include, drawdown, pre & post weed treatment, pre & post algae treatment, algae monitoring, clarity monitoring and water quality monitoring (including but not limited to, pH, O2, macro/micro nutrient levels, bacteria, temp, etc.).
2. The report will also layout the planned activities for the coming year and how they are planned to better the health, the surrounding environment and the recreational use of Lake Shirley.
3. The report will examine new methods of management researched to incorporate into the management plan
4. The report will review outreach and education of landowners in the watershed as to ways to protect, preserve and limit pollution the watershed and lake.
5. Every three years a professional firm specializing in lake management will produce a comprehensive weed and lake assessment. This will be a requirement of any extension or part of a new Notice of Intent application.
6. Every three years a revised Lake Shirley Management Plan will be presented for review. The plan will have a comprehensive accounting of activities and set out a three year schedule of activities to maintain and improve the health of the lake and surrounding environment.
7. At the annual meeting, or any time deemed necessary, the LCC can update, halt or require any activities or reporting it feels appropriate to protect Lake Shirley environment and the health of the public affected by any management activities.