

## **MINUTES OF SELECTMEN'S MEETING APRIL 27, 2016**

Mrs. Walter and Mr. Smith attended the public hearing hosted by DEP in the Police Station Community Room at 11 AM. Ben Lynch and Jerome Grafe of DEP thanked everyone for coming.

Mr. Grafe noted that the purpose of the hearing is to hear testimony on the petition of George Pisarczyk of 33 Shore Road in North Brookfield to designate Lake Lashaway as a great pond. Mr. Grafe read the public notice that was published in the Spencer New Leader and sent to the Boards of Selectmen in North and East Brookfield. He noted that Mr. Pisarczyk would speak first to present information on why he believes the lake should be a great pond, then there would be testimony from public officials and the general public, and finally Mr. Pisarczyk will be allowed to make a closing statement if he so chooses.

Mr. Pisarczyk explained that he has asked DEP to consider designating the lake as a great pond in order to protect certain waterfront property rights, and the right to access his waterfront. He stated that North and South Ponds in Brookfield have these protections, but Lake Lashaway residents do not. Mr. Pisarczyk has had a problem with his neighbor building a dock in front of his property, and the local towns have been unable to help him. If Lake Lashaway were a great pond it would be under the control of the state.

Mr. Pisarczyk explained that it is his understanding that if Lake Lashaway is declared a great pond the state would take possession of the lake under Chapter 91 of the Massachusetts General Laws.

Mr. Grafe asked if any public officials wanted to speak. Mrs. Walter stated that the North Brookfield Selectmen have met with the East Brookfield Selectmen twice to discuss this issue, and that Mr. Bouley and Mr. Gordon of the East Brookfield Selectmen were in attendance. Both boards agree that this is a serious issue, and both boards oppose this designation. Mrs. Walter noted that the East Brookfield Reconnaissance Survey that was done by the DCR proves that Lake Lashaway is a manmade lake. Another survey done by the Massachusetts Historic Commission backs that up. Mrs. Walter noted that both selectboards will jointly present their findings and information to DEP before the end of the public comment period in June.

Selectman Larry Gordon of East Brookfield said that there was never a natural pond there, just the Five Mile River. At one time there were many mills located along the river that used the river for power. Mr. Gordon said that it has long been the goal of the East Brookfield Selectmen to encourage public access for the lake. The public boat ramp in North Brookfield was recently rebuilt, along with the new handicapped accessible dock on Route 9. East Brookfield Selectman Ted Bouley said that they do not see this as a practical solution to Mr. Pisarczyk's problem. Mr. Gordon noted that the land under the lake is owned by East Brookfield.

Bob Button of the East Brookfield Conservation Commission said that Lake Lashaway does not meet the criteria for a great pond. He has maps going back to 1785 showing the Five Mile River, there was no lake. The boat ramp, the marina, and town beach all allow public access to the lake.

Charlie Haddock, former Lake Association president, noted that he worked with Bob Munyon and Peter Barstow for many years on the annual drawdown of the lake, and the plans for the weir that allow the drawdown. He said that the association has always been open to any public access to the lake. He noted that there are approximately 200 properties on the lake, evenly split between North and East Brookfield.

Mr. Grafe and Mr. Lynch continued to take comments from over 50 concerned residents in attendance, and while everyone sympathized with Mr. Pisarczyk, no one thought it would be a good idea to declare the lake a great pond.

Mr. Rush asked Mr. Pisarczyk if he wanted to make a closing statement, to which Mr. Pisarczyk said that he thought the purpose of the hearing was to review the information that he presented.

Mr. Rush said that the purpose of the hearing is to hear from the public officials and residents about the petition. In the absence of any information to the contrary, DEP assumes that any lake over 10 acres is a great pond. Currently Lake Lashaway is not designated as such. DEP will consider all of the information received by June 7<sup>th</sup> and then make its determination. He noted that there are two letters from several years ago in the DEP files that both state that the lake is not a great pond. He asked that residents submit written comments to DEP, and that Mr. Pisarczyk and the towns will be notified by letter of the final decision.

The public hearing was ended at 12:15 PM.

Respectfully submitted,

Leslie Scott Burton  
Administrative Assistant