

Ware River Watershed Advisory Committee Meeting
Thursday, April 11, 2024
7:00 PM

Location: Rutland Public Library, 280 Main Street, Rutland, MA 01543

Members: (Members in **BOLD** were present)

Massachusetts Council of Sportsmen: Laurie Pray

Alternate: Mike Moss

Worcester County League of Sportsmen's Clubs: **John Root**

Alternate: Dave Papale

Trout Unlimited: **Jeffrey Schaaf (chairperson)**

Alternate:

A Rod and Gun Club: Vincent Kotowski

Alternate: **Dennis Guberski**

Barre Selectboard: **Mike Wood (vice chairperson)**

Alternate:

Hubbardston Selectboard: **Cindy Schlener**

Alternate: **Dave Marsh**

Oakham Selectboard: **Thomas Hughes**

Alternate: **Phillip Warbasse**

Rutland Selectboard: Darren Ross

Alternate:

Barre Historical Society: **Dave Flick**

Alternate: Margo Petracone

Hubbardston Historical Society: Robin Langer

Alternate:

Oakham Historical Society: **Bill Mucha**

Alternate: **Lee Dougan**

Rutland Historical Society:

Alternate:

Massachusetts Audubon Society: Martha Gach

Alternate:

Sierra Club: Matt Hopkinson

Alternate:

General Public: Mark DuBois

Alternate: **Brett Russ**

DCR Staff Present: Dan Clark, Justin Gonsor, John Scannell

Members of the Public Present: Madison Ambrosi, Nathan Boudreau, Jane Dewey, Eric Goodhart, Sue Meagher, Rusty Savignac, Moussa Siri, Diane Smith, Steve Smith, Brian Sweeney, Peter Walker, Marianne Wojcicki, Dean Zuppio

Meeting Minutes

Meeting Start Time: 7:01 PM

Approval of minutes from meeting on February 29, 2024

Tom Hughes made a motion to accept the minutes from the Ware River Watershed Advisory Committee (WRWAC) meeting on February 29, 2024, with edits. Cindy Schlener seconded the motion. The motion was unanimously approved.

DCR's response to add Rueben Walker and Prison Camp Roads to authorized list of roads

The committee had previously asked DCR to reconsider opening Rueben Walker and Prison Camp Roads to vehicles, these roads became closed to vehicles when the access plan was updated last year.

John Scannell briefed the committee that the specific request was brought to the DCR commissioner, along with the reasoning the committee gave for the request, and the decision was made to keep those roads closed to vehicles. The committee discussed their reasons for wanting the roads reopened, which included connectivity across the watershed for those with limited mobility. John noted that the basis for the roads closures was mainly to accomplish a goal of DCR and their regulators of limiting the amount of vehicular traffic occurring on DWSP property, from a watershed protection standpoint. ADA laws and DCR compliance of those laws were discussed.

Dennis Guberski suggested appealing DCR's decision, and that appeals process was discussed. The committee discussed drafting a letter to the DCR commissioner detailing their specific reasons and concerns for wanting the roads reopened to vehicles.

Mike made a motion that he and Dennis draft a letter on behalf of the committee, to be sent to the DCR commissioner, to pursue the effort of getting Rueben Walker and Prison Camp Roads reopened to vehicles from the end of mud season to October 1. Philip Warbasse seconded the motion. The motion was unanimously approved.

Dennis commented that he would like to see evidence-based scientific data on whether the vehicular road closures measurably improve water quality or not. Vehicle traffic on Rt. 122 passing by the Ware River intake was noted and discussed.

A member of the public asked about recent brush fires in the watershed and if gate closures had any effect on the response to those fires; it was mentioned that the fire department didn't have keys to the gate they needed to enter. Dan Clark answered that local police and fire departments are given keys to all watershed gates. Further, the gates in question were locked due to mud season, not gates locked year-round under the new access plan.

DCR's response to request of support replacing Covered Bridge Road bridge

John briefed the committee on DCR has decided that they would not be in support of constructing a bridge at the proposed location. It mainly comes down to watershed regulations. The Watershed Protection Act regulations say that any activity or construction within 200 feet of a stream causes an impact to the resource. Within the regulations there is a process to submit/request a variance from DCR which would allow construction within 200 feet of a stream. But from an agency standpoint, DCR does not want to give a variance/exception for an activity in conflict with their own regulations, on their own property.

Brett asked if there was any way to make this bridge happen in the proposed location; like how the Wachusett Greenways group was able to bridges approved. John answered that he would need to investigate the process.

Update on language in the access plan related to swimming

Dan updated the committee on updates to the access plan regarding language/grammar in the swimming section. The major changes are as follows:

1. Language was updated to be more consistent. Throughout the plan open-waters swimming was changed to distance swimming.
2. On page 35 there is a subscript with some text about swimming. It has been updated to say, 'limited swimming access is allowed within designated swimming areas of Rutland State Park and Comet Pond beach according to posted restrictions. Distance swimming is allowed from a DCR access point at the Comet Pond beach.' The original plan said, 'an access point at the southern end at the pond would be identified.'
3. On page 37 there is a table. It was clarified that distance swimming is allowed at Comet Pond and that the access point is from the Comet Pond beach.

4. On page 65, the section that describes fishing/wading, the language was updated and mentions distance swimming, the access point location, and that distance swimming is at your own risk and allowed at Comet Pond following similar guidelines at the Walden Pond Reservation. Specific requirements for distance swimming at Comet Pond will be posted at the beach.

A member of the public reminded everyone that it was agreed upon at the last WRWAC meeting that swimming at Comet Pond would not be advertised on DCR's website.

A list of questions/concerns were submitted to DCR from Nathan Boudreau on behalf of the Hubbardston select board prior to the meeting. That list is as follows:

- Safety concerns
 - What specific safety precautions and monitoring will DCR have in place for the open water swimming area?
 - How will DCR address the potential safety risks, such as collisions between swimmers and boats/watercraft?
 - Do you have any concerns about the capacity of the planned parking area and potential safety issues from roadside parking on Route 68?
- Water quality impacts
 - How DCR assessed the potential water quality impacts from increased recreational use, including open water swimming at Comet Pond?
 - What measures will DCR take to monitor and protect water quality at Comet Pond going forward?
 - Do you have any specific concerns about water quality degradation that should be addressed?
- Implementation and coordination
 - Would the town be able to work collaboratively with DCR on the implementation plan for the open water swimming area and other access policies?
 - What role, if any, does the town envision playing in the ongoing management and oversight of recreational use at Comet Pond?
 - How can the town and DCR best coordinate on addressing any issues or concerns that may arise during implementation?
- Legal liability
 - What is the town's potential liability if there is an incident or accident involving open water swimmers at Comet Pond?
 - Has DCR indemnified the town from any legal risks associated with the open water swimming policy?

- How can the town protect itself from legal exposure related to recreational use of DWSP properties?

Nathan clarified that the above questions are not necessarily on behalf of the Hubbardston select board. He wrote the questions based on constituent requests to the board, and the board asked Nathan to do research on behalf of the select board. Currently, it is simply a fact-finding mission to garner information. Jeff Schaaf requested that when DCR sends their answers to the select board that they also include the committee in on that mailing.

Jane Dewey distributed a copy of comments from Ed Blanchard to the committee. Those comments are as follows:

1. Safety is a main concern for swimmers and boaters. I hope that DCR will implement many of the safety recommendations that have been submitted.
2. I hope that DCR will have sufficient enforcement capability to have some control over open water swimming.
3. I hope that the new expansion of swimmers will not affect the population of eagles, loons, and great blue heron.
4. Review of the 2024 regulation change to open water swimming be reviewed at the first Ware Watershed Advisory Meeting after 9/30/2024.

Jane asked if distance swimming is defined in the access plan. John answered that it is not defined in the plan, but DCR could investigate defining it. Jeff commented that DCR is simply offering access from their property, and that defining what happens on the water isn't really DCR's jurisdiction.

Mike Kotowski commented that in general, WRWAC has worked to maintain and acquire public access to the watershed and its resources and feels that should be WRWAC's primary drive.

The chief of police from the town of Hubbardston submitted a letter to DCR detailing concerns related to the regulations surrounding Comet Pond. The letter is attached at the end of these minutes.

Discussion about trail accessibility

Cindy Schlener asked about universal access requirements regarding the amount of space given for people to get around locked gates, where the public is allowed. Gates are locked to prevent cars and ATV's from going where they aren't allowed. She mentioned that for some of the gates in the watershed there isn't enough room on the side of the gate for people with strollers or in a wheelchair to get through. ADA requirements say that these access points should be at least 39 inches wide. DCR will investigate the issue.

Member Issues

Dennis commented about the proliferation of potholes on White Hall Road (entrance to Rutland State Park). It was determined that DCR-State Parks maintains that road, not DWSP. Dan answered that he will let the appropriate party know about the issue.

Dean Zuppio asked for an update on the legislation that was previously put forward to update the membership groups on WRWAC. It was determined that the legislation session that the bill was introduced into has expired. It is unclear whether the bill was reintroduced under a new session. A member of the public commented that bill S.505 was brought up for a hearing in front of the state senate on 2/15/2024 and the bill was sent off to study. Jeff Schaaf will investigate.

Rusty Savignac commented on the process with which the final public access plan was presented. After viewing the draft plan, the committee submitted a set of recommendations to DCR. The final plan included some of those recommendations, but not all. Mike Kotowski reiterated his desire that WRWAC be allowed to recommend to DCR changes to the access plan within the larger 10-year updates to the plan.

Meeting End Time: 8:14 PM

Upcoming WRWAC Meetings

- Thursday, June 13, 2024, at 7PM – Rutland Free Public Library, 280 Main Street, Rutland, MA 01543



RYAN P. COUTURE
CHIEF OF POLICE

Town of Hubbardston

DEPARTMENT OF POLICE

7 MAIN STREET, UNIT #9
HUBBARDSTON, MASSACHUSETTS 01452
TEL. 978-928-1400 – FAX 978-928-5267

December 28, 2023

Dan Clark
DCR Regional Director

I am writing with some concerns about a plan to allow long distance swimming at Asnacomet Pond in Hubbardston. I have recently spoken with Ed Blanchard and he was telling me the plan that DCR has to allow long distance swimming and provide some parking for swimmers off of East Comet Pond Rd. All of my concerns have to do with public safety and the ability of the Hubbardston Police Department and Hubbardston Fire Department to respond to emergencies on that side of the pond or in the pond due to this new plan.

East Comet Pond Rd. is a very narrow road. It is almost impossible to get two vehicles through the road at the same time. The dam is small absolutely cannot support two vehicles at the same time. Making a plan that will increase traffic on that road is a serious risk to public safety and should an emergency arise could hinder the efforts of the police and fire units responding. I can see in the plan that there would be parking in that location. Once that lot fills up people will begin parking on the side of East Comet Pond Rd. and this will cause a traffic hazard for the few residents that live at the end of that road. My recommendation is that if this plan was to go through is to widen that road and bridge so that two vehicles can pass safely.

As a whole I do not think that allowing long distance swimming at comet pond is a good idea. I believe that with the amount of boat traffic on the pond, adding swimmers would create a significant risk to the safety of people swimming. Rules and Regulations can always be put in place but it is up to people using the space to obey these rules. The police and fire departments also lack the ability to quickly and effectively respond to open water emergencies.

Mr. Blanchard has provided me with a plan that the Asnacomet Pond Association is suggesting. Although I do not agree with allowing long distance swimming at all at comet pond, I believe that they know the pond best and how it is currently being used. I have to agree that utilizing the parking area and road to the beach is a safer alternative. The current gate would have to be moved as we already have several parking issues on Worcester Rd. during the busier times of year. The current accommodations were not designed to handle the amount of swimming and fishing that seems to be increasing year after year. Comet pond is a great place and I would like to make sure that we keep it a safe place for everyone to enjoy. Thank you for your consideration.

Sincerely,

Ryan Couture
Chief of Police