

**Town of East Brookfield, Massachusetts  
Conservation Commission**

---

**Special Conditions for: Operation & Maintenance of the Lake Lashaway Outlet Weir**  
**Site Address: Main Street (Route 9) – East Brookfield**  
**DEP File No.:** \_\_\_\_\_

19. All operational activities and permit conditions outlined in this Order are the ultimate responsibility of the Town of East Brookfield – Board of Selectmen.
20. The Town of East Brookfield shall establish an Oversight Committee (the "Committee") for the operation of the inlet weir and to ensure compliance with the requirements of this Order. The Committee shall consist of at least 3 members including: 2 officials from the Town of East Brookfield and 1 resident and/or Lake Lashaway Association member.
21. The Town of East Brookfield is required to operate the inlet weir in accordance with the Operational Procedures identified in Special Condition No. 40 below. The Town of East Brookfield - Board of Selectmen is required to review operational procedures with all contractors, volunteers, workers and Committee members involved in on-site operations of the inlet weir prior to the operation of the weir and at any time necessary to operate the weir in accordance with the requirements of this Order.
22. If at any time during the implementation of the project a fish kill or significant water quality problem occurs in the vicinity of the project, all site related activities impacting the water shall cease until the source of the problem is identified and adequate mitigating measures employed to the satisfaction of the Town of North Brookfield Conservation Commission ("the Commission").
23. Where relevant, all facilities and equipment will be continually operated and maintained so as to comply with the conditions and the Massachusetts Wetlands Protection Act ("the Act"). The applicant, owner, successor or assigns shall be responsible for maintaining all on-site structures and systems, assuring the lasting integrity of the systems and site activities so as to prevent erosion, siltation, sedimentation, chemical contamination or other detrimental impact to the on-site and/or off-site resources areas. This condition shall be a maintenance condition, and shall not expire upon the issuance of a Certificate of Compliance.
24. A copy of the Order, including all referenced documents and plans, and all other subsequent approvals and directives issued by the Commission, shall be available for inspection at the East Brookfield Town Hall.
25. The Commission reserves the right to impose additional conditions or require the submittal of additional information as necessary to protect the interests of the Act.
26. There shall be no discharge or spillage of fuel, oil, or any other pollutant from this project into adjacent wetlands resource areas or 100-foot Buffer Zone ("buffer zone") associated with those resource areas. Any equipment used in the resource area or buffer zone that uses fuel, oil or hydraulic fluid shall be inspected daily for leakage. Any equipment that requires repair shall be repaired outside of the resource area and the buffer zone. Any equipment that uses fuel, oil and/or hydraulic fluid shall be staffed at all times while operational within the resource area or buffer zone.

**Town of East Brookfield, Massachusetts  
Conservation Commission**

---

**Special Conditions for: Operation & Maintenance of the Lake Lashaway Outlet Weir**  
**Site Address: Main Street (Route 9) – East Brookfield**  
**DEP File No.:** \_\_\_\_\_

27. In the event of required maintenance to the weir, the applicant and/or their contractor shall develop a spill management plan for any hazardous materials that may be employed during work in the buffer zone or over the water. Specifically, the applicant should prepare to effectively deal with spillage of fuel or hydraulic fluids from equipment. A quick-absorbent material, such as "Speedy Dry" or equivalent, will be stored in a dry readily available location at the work site, and on any project related vessels, for use in the event petroleum-based fluids are spilled or leaked. The spent material is then to be containerized and disposed of properly. An emergency fuel boom or absorbent pads shall be readily available in case any such spill threatens the water resources.
28. The applicant shall provide to the Commission written notification of the name, title, address and telephone numbers of the person or persons designated by the Town of East Brookfield to be in compliance with the Order on site. An emergency telephone number shall be provided in the event that action is required during non-working hours.
29. The members of the Committee overseeing daily operations of the flow barrier shall read this Order and sign a copy of each page, indicating that each condition has been read and understood. These signed pages shall be submitted to the Commission.
30. If applicable, the Applicant shall submit any Water Quality Certificate(s) issued by the Massachusetts Department of Environmental Protection, pursuant to Section 401 and 404 of the federal Clean Water Act, to the Commission for final approval. The terms of the Water Quality Certificate shall be made part of this Order of Conditions. In no case shall they exempt the proponent from any other condition of this Order. If a conflict arises between requirements of this Order and the requirements of the Water Quality Certificate the applicant shall request an amendment of this Order of Conditions to review the condition causing the conflict.
31. The Commission has jurisdiction and shall maintain jurisdiction over all operational practices provided that the practices authorized by this Order are in compliance with applicable local, state and federal regulations which are incorporated herein by reference. The Applicant shall submit any proposed modifications to the approved Order which result from changes in regulations or approvals. If a conflict arises between requirements of this Order and the requirements of related local, state or federal permits/approvals, the applicant shall submit a written review of the conflict to The Commission, who will determine if a formal amendment of this Order of Conditions is warranted to resolve the conflict.
32. The applicant shall inform the Commission of any violation of this Order and any other project related spill or accident that may impact wetland resource areas as soon as possible and at least by the end of the first business day, and shall take appropriate action to mitigate impacts from such spill or accident. The applicant or site supervisor shall notify the Town of any emergency by calling the Police Department.
33. The applicant shall submit to the Commission notice of any proposed modifications to the operational and/or physical conditions of the inlet weir. Any modifications required by the Owner to the plans approved by this Order shall be detailed in writing with this submittal so that Commission can determine if further conditions are required.

**Special Conditions for: Operation & Maintenance of the Lake Lashaway Outlet Weir**  
**Site Address: Main Street (Route 9) – East Brookfield**  
**DEP File No.:** \_\_\_\_\_

**40. Outlet Weir - Operational Procedures**

- A. The Town of East Brookfield shall establish an Oversight Committee (the "Committee") responsible for operation and maintenance of the inlet weir. The Committee will also be responsible for the annual Lake Lashaway drawdown (DEP File No. \_\_\_\_\_)
- B. The Committee shall report the schedule for the annual drawdown of Lake Lashaway to the Board of Selectmen in both the Town of East Brookfield and the Town of North Brookfield at least 1 month prior to the start of the drawdown process. In addition, the Committee shall report the completion of the drawdown process to both Boards of Selectmen within 15 days following completion.
- C. The inlet weir shall remain in the open (raised position) at all times except: during the drawdown of Lake Lashaway or in the event of an emergency or "special condition".
- D. The inlet weir will be closed (down position) during the annual drawdown of Lake Lashaway – typically beginning on or about November 1<sup>st</sup> of each year and ending with the completion of the Lake Lashaway drawdown on or about April 15<sup>th</sup> of each year. The weir shall remain closed during the drawdown period and until the water level in the Five Mile River and Lake Lashaway has equalized.
- E. The inlet weir can be closed during other periods of time as necessary to address specific conditions and/or special requirements (i.e. during herbicide or algae treatments and/or as necessary during an emergency/special condition).
- F. The Committee shall operate the inlet weir in a manner that protects the weir and the adjacent bridge structure. The Committee shall monitor the temperature and inspect for icing of the inlet weir as necessary. The inlet weir may be opened slightly to prevent ice damage as necessary.
- G. If the need to operate the barrier is required during boating season an air-horn will be sounded 15 minutes prior to operating the barrier (unless operations are to occur between 10:00 pm and 7:00 am – at such time no air horn is required). The air horn shall be available for use at all times during operation of the flow barrier.
- H. If boats are observed in the area of the inlet weir, additional time shall be granted to allow for boat passage as necessary.
- I. At the time of closure of the inlet weir, and/or during any related site inspection, the elevation of the water surface shall be measured and recorded in Lake Lashaway and in the Five Mile River. When the inlet weir is fully closed the water level shall be recorded in both locations a minimum of once per week.
- J. If the inlet weir is ordered open by the Committee and/or the Commission, it shall be opened gradually so as to prevent scouring of the channel/bridge structure and/or to protect public safety.