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Proposed regulations restricting activity along lakefronts in Salisbury could make it harder to do landscaping and building. This photo was taken last weekend on South Shore Road in Twin Lakes. ***Photo by Debra A. Aleksinas***

Lakefront land owners at odds over expansion of protective regulations

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By DEBRA A. ALEKSINAS

SALISBURY — Property owners on the shores of Lake Wononscopomuc and the Twin Lakes are at odds over a proposed expansion of regulatory rules by Salisbury's Inland Wetlands and Watercourses Commission (IWWC).

Wiping out large sections of woods by clear-cutting lakefront property has been an ongoing concern in Salisbury, as has a recent surge in new homes and renovation projects.

The enlarged activity zone would expand the Wetlands Commission's review authority to land within 200 feet of a lake or watercourse and within 100 feet of any wetland.

Under the current proposal, the zone is 75 feet, which already exceeds the minimum requirements set by the state.

Lake Wononscopomuc and the Twin Lakes are the most heavily developed of the town's five lakes. More property owners will be impacted on those shores; and there is heavier development and more potential damage to the water on those lakes.

Wiping out large sections of woods by clear-cutting lakefront property has been an ongoing concern in Salisbury, as has a recent surge in new homes and renovation projects, particularly around East and West Twin Lakes and Lake Wononscopomuc, also known as Lakeville Lake.

A group of Twin Lakes property owners says that increasing the area of regulated activity from 75 feet to 200 feet would do little to stop clear-cutting problems as cited by town officials — but would saddle those who live on the lakes with a potentially costly and time-consuming approval process for basic yard maintenance.

That group also claims that stiffer regulations would impact property values around the lakes and cause a reduction in tax revenue to the town.

Other points of contention that they cite include what they call a lack of transparency and unbalanced input surrounding the development of the proposed updates to the regulations. The Lake Wononscopomuc group has played a part in proposing the stricter regulations.

A disagreement on oversight

A new lakes group has been formed by Grant Bogle, who is also president of the Twin Lakes Association (TLA) and is a lakefront property owner.

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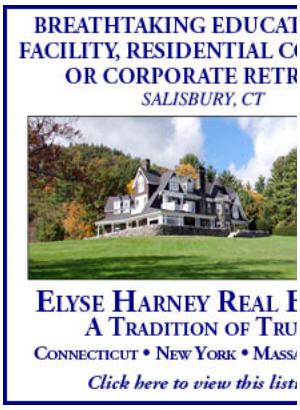

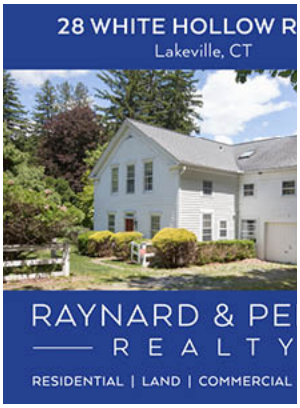

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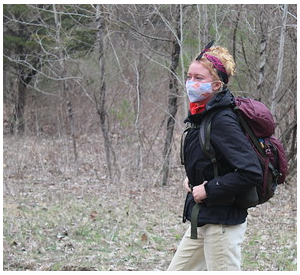

He said the Twin Lakes Association has not taken a formal position on the proposed regulations "given that this has not been the historic role of the TLA."

So he and other lakefront property owners have formed the Salisbury Lakes Homeowners (SLH) group.

Most Lakeville Lake property owners belong instead to the Lake Wononscopomuc Association.

Of concern to Twin Lakes property owners, said Bogle, is that the majority of homes in the area, particularly those on South Shore Road, are on less than an acre and most of the homes are positioned within 75 feet of the water.

The proposed expansion of the Inland Wetlands and Watercourses Commission's jurisdiction to 200 feet, he said, would extend beyond the front door and beyond the road in many cases, which in some instances would put homeowners' entire property in the expanded review area.

If that happens, said Bogle, approximately 30 of the 33 properties on South Shore Road "would be entirely subsumed" by what is called the Upland Review Area.

He and other property owners fear that the new rules would potentially render landowners unable to repair any hardscaping (structures in the landscape) or replace trees and bushes without seeking approval.

Petition drive nets 540 signatures

"Our main goal was to get people educated and informed, and to try to engage in a productive way with the town," Bogle said.

The Salisbury Lakes Homeowners group has developed a website that contains key documents prepared by the town; legal analysis of the proposed regulations presented by SLH legal counsel Mark Capecelatro; and documents the group has sent to the Inland Wetlands and Watercourses Commission and town administrators regarding concerns and recommendations. The site is at https://bit.ly/SalisburyLakesHomeowners.

More than 540 individuals have signed a petition circulated by Salisbury Lakes Homeowners, asking the town to slow the approval process and to engage the community, especially those impacted by the proposed regulations.

"We're law-abiding citizens trying to do the right thing," Bogle said. "We are invested heavily in both our property and in maintaining the health of the lake."

He said many affected property owners are unaware of the proposed regulations and their potential adverse impact.

"They deserve to participate in this process when they are in residence during the summer."

"We believe that the issues raised by SLH, as well as [Attorney] Capecelatro's memo," said Bogle, need to be considered by the wetlands group and "fully explained to the community before any of the discretionary regulations are voted upon.

"This is complex information and there is a lot to digest in a relatively short time. We had only seen it for the first time on March 1."

Lakeville Lake owners asked for updates

Bill Littauer is the longtime president of the Lake Wononscopomic Association (LWA).

It was his group that, three years ago, asked the Inland Wetlands and Watercourses Commission to extend the Upland Review Area, from 75 feet to 200 feet.

"The reason is we had a couple of problems on our lake where someone cut down 60 huge trees without telling anyone," Littauer explained.

In another instance, he said, a landowner cleared "a lot of trees and brush, almost down to the lake."

At that time, recalled Littauer, the commission decided that rather than just revise the Upland Review Area regulations, additional outdated regulations needed to be rewritten. A committee was selected for the task.

"Quite a few regulations were no longer in compliance with state mandates," Littauer said.

The cause of the weeds in the lakes

On Lake Wononscopomuc, concerns these days do not so much revolve around clear-cutting, said Littauer.

"There's not that much wooded area that has to be protected anymore," as development has been swift in recent years.

The east side of that lake has some very steep slopes, he said, "so all we're talking about here is people doing the wrong things on the slopes around the lake."

The steeper the slope, the more likely it is that there will be runoff of different substances into the water.

Runoff of detergents and chemicals from properties is blamed for the intense growth of Eurasian milfoil weeds in the water, which need to be cut down throughout the summer.

Earlier this year, said Littauer, a preliminary draft of the updated regulations was made public.

An outcry ensued. "A few people took a look and went wild with all kinds of suppositions and theories about what it means."

Twin Lakes owners want input now

Bogle summed it up this way in a March 15 letter on behalf of the Salisbury Lakes Homeowners: "As taxpayers directly impacted by the proposed regulation changes, we have not had any role in the development of the proposed regulations, unlike the Lake Wononscopomuc Association."

He proposed that the process of updating the regulations should be paused; and that the Inland Wetlands commissioners work with the Board of Selectmen to appoint an advisory committee comprised of designated representatives of homeowners on all four of Salisbury's regulated lakes. The panel should be charged with "educating, researching and recommending solutions which will balance environmental concerns with those of property owners."

The Inland Wetlands and Watercourses Commission, like most boards and commissions in all the area towns, is made up of unpaid volunteers. The members are appointed by the Board of Selectmen.

Littauer suggests a simpler route. "In fairness to town officials, up until this point, the Inland Wetlands and Watercourses Commission had only met as a group for the first time on June 7 to review and discuss draft updates to its regulations."

He said fine-tuning definitions and language is what is needed to clear up confusion over which activities require permits and which do not.

"Our proposal is to get the three lawyers together. We'll pay for [Michael] Ziska, let Twin Lakes Association pay for Capecelatro and the commission can pay for Janet Brooks … and let them come up with reasonable rules," said Littauer.

"You could even have different regulations between the major lakes." For example, he said, "We could have 200 feet for Lake Wononscopomuc, 75 feet on Twin Lakes and 300 to 500 feet for wetlands."

At its March 15 meeting, the Inland Wetlands commissioners read the homeowner group's letter aloud. Abby Conroy, the town's Land Use Administrator, fielded questions. She noted that while most of the updated revisions are required by the state, any expansion of the Upland Review Area is a town decision.

The Salisbury Lakes Homeowners questioned the rationale behind the proposed changes and asked if there was scientific evidence supporting the need for an expanded Upland Review Area (URA). The group said in a May 19 letter to the commission that lake monitoring studies conducted on the Twin Lakes and at Lake Wononscopomuc indicate that water quality has been "stable to improving" compared to studies done in the 1990s.

"We have seen the table listing URAs in other towns, but that does not scientifically justify changing the regulations for the Twin Lakes and other regulated lakes, especially when none of those jurisdictions, to our knowledge, also have a 300-foot lake overlay zone," they noted.

Lake overlay zones are created by the Planning and Zoning Commission and regulate construction on the shores of Salisbury's lakes.

'An invitation to speculative risk'

The most recent discussion by Inland Wetlands on the topic took place June 7. Commission member John Landon said he felt that most of the updates were "not controversial at all. It's just a matter of getting our regulations in line with state mandates." Regarding a 200-foot extended Upland Review Area for specific waterbodies, "That seems like a reasonable level. I don't think there is any magic to it, we are looking at what we believe will protect the lakes."

Chairman Larry Burcroff, however, said, "I think everyone agrees that 75 feet doesn't work for us."

Commission member Peter Neely said, "The logic of this is maybe 100 feet works," particularly considering the development around East Twin Lake. "Two hundred feet covers a lot of small lots — entire lots on the South Shore of East Twin. It's just an invitation to speculative risk and that is something we shouldn't be doing."

He noted that the extended, 200-foot URA may be more appropriate for parts of Lakeville Lake.

"There may be some things lacking in the draft," that need to be added before the issue goes to a meeting on July 20, Conroy said last week. "We don't normally allow public input except at the public hearing, but we want to make sure we get it right."

The meeting is a "special meeting for the purposes of a workshop on regulation revisions and to gather public input."

Bogle stressed that the updated regulations need to be clear and concise. "It has to be explained in a way that people get it and know what to do. The devil is in the details, and we absolutely are strong advocates of doing more to actively educate the community. Regardless of the outcome," he said, "education is one of the biggest steps we need to take."

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