March 15, 2023

Mass. Department of Environmental Protection

Waterways Regulation Program

1 Winter Street, 5th Floor

Boston, MA 02108

Re: 23-WW-PRE-0021-APP

24 Flume Avenue, Middle Pond, Marstons Mills (Barnstable), Mass

To Whom It May Concern:

The Indian Ponds Association is a non-profit, all volunteer organization formed in 1958 to protect and preserve the three Indian Ponds, specifically Hamblin Pond, Middle Pond and Mystic Lake. We have funded several water quality studies of the three ponds and continue biweekly water sampling of all three ponds throughout the summer months. We have actively worked with the Town of Barnstable in Hydrilla eradication efforts and alum treatments when recommended by our pond studies. We have successfully advocated for larger lot size restrictions when ¼ acre lots threatened to destroy the beauty of the three ponds. We managed to have water quality included as a priority consideration when the Route 149 and Osterville-West Barnstable Road was upgraded in 1984. We have a long history of advocating for the protection of these three ponds to keep them clean and safe for current and future public use. It comes as no surprise that after the Conservation Commission approved this dock design which calls for permanently installed helical piers with support posts. We were able to get 116 signatures objecting to the use of helical piers on seasonal applications as well as reaffirming our desire to not have permanent docks installed on the three ponds. We also have another 74 residents that supported the petition, but because of privacy concerns, were not willing to add their signatures to this list. I have included a summary of the signatures with the originals available upon request.

These three ponds are used year-round by fishermen, kayakers, stand up paddle boarders, and a few hearty swimmers. This particular property lies between the Barnstable Town beach, two semi-public beaches and the Barnstable Land Trust dock, making this a highly trafficked part of this lake. Much of this traffic travels close to the shore in the path of these permanent helical piers. These structures protruding from the pond floor as much as 18” will become a potentially lethal safety hazard for anyone boating or swimming in this area in the off season.

None of the ten or so permitted seasonal docks on this pond have found it necessary to utilize any such permanent structures as supports. We have a 9.9 hp boat motor limit and the pond is small enough to not experience significant wave action. There is simply no justification for a permanent structure of any kind to support a seasonal dock on Middle Pond.

We respectfully request that this license application be contingent upon a true seasonal design that omits unnecessary and hazardous protruding permanent helical piers.

Sincerely

Butch Roberts

President

Indian Ponds Association Board of Directors

Wendy Bierwirth

John Chiniara

Richard Creeth

Gregory Cronin

Bill Hearn

Sandy Leo-Clark

Tom Odjakjian

Bob Reynolds

Carol Sim

Adam Stavisky

CC

A.M. Wilson Associates, Inc.

20 Rascally Rabit Road, Unit 3

Marstons Mills, MA 02648

Enclosed:

**Petition to Prevent Permanent Protrusions at the Bottom of the Indian Ponds**

**Whereas:** The Indian Ponds Association represents approximately 600 landowners that lay within the boundaries of the Indian Ponds Association footprint.

**Whereas:** The charter of the Indian Ponds Association is to protect the ecological and esthetic well-being of the ponds and to preserve their use for the safe enjoyment of the public.

**Whereas:** The Barnstable Conservation Commission Guidelines for Private Freshwater Docks, Piers & Floats in Section 1 determines that: “The pier should be seasonally deployed no earlier than April 1 and removed no later than November 1”.

**Whereas:** Any fixture permanently installed that extends above the bottom of the lake more than 1” without a structure covering it, potentially represents a significant safety hazard for anyone that might be kayaking, canoeing, stand-up paddle boarding, or swimming, all of which are ecologically friendly activities encouraged by the Indian Ponds Association.

**Whereas:** Helical pylons installed as a support for a temporary dock represents a safety hazard when the dock is removed for storage in the off season as they may protrude as much as 24” above the bottom of the lake/pond, whereby either kayaks, canoes, paddleboards, or a person could strike the pylon with potentially catastrophic results.

**Whereas:** The three Indian Ponds do not have tidal flows, are not subjected to high wave action and the motor limit on the lake is 9.9 hp, reducing the potential for boat related wave action. The use of fixtures such as permanently installed Helical pylons or other similar underwater structure to support a seasonal dock is not required from an engineering or structural prospective.

**Therefore:** The Indian Ponds Association respectively petitions the Massachusetts Department of Environmental Protection under the authority of the Waterways Protection Act, Chapter 91, and the Barnstable Conservation Commission to prohibit the installation of any new permanent docks and of any permanent structure that leaves a protrusion greater that 1” from the bottom of the pond/lake for the installation and support of any temporary dock or for a similar purpose within the three Indian Ponds; Mystic Lake, Middle Pond, and Hamblin Pond. We furthermore request that this prohibition apply to all pending and future license applications under this Chapter at the time of receipt of this petition.

|  |  |  |  |
| --- | --- | --- | --- |
| First Name | Second Name | Street # | Street Name |
| Jon | Fain | 95 | Alpine Way |
| Ruth | Fain | 95 | Alpine Way |
| Butch | Roberts | 102 | Alpine Way |
| Marty | Roberts | 102 | Alpine Way |
| Gary | Blazis | 105 | Berry Hollow Drive |
| Anne | Briand | 80 | Flume Avenue |
| Denis | Briand | 80 | Flume Avenue |
| Tom | Odjakjian | 99 | Flume Avenue |
| Ani | Odjakjian | 99 | Flume Avenue |
| Kassie | Gralton | 121 | Flume Avenue |
| Caroline | Colt | 151 | Flume Avenue |
| Peter | Colt | 151 | Flume Avenue |
| Richard | Creeth | 170 | Flume Avenue |
| Margaret | Creeth | 170 | Flume Avenue |
| Susan | Benjamin | 171 | Flume Avenue |
| Barry | Benjamin | 171 | Flume Avenue |
| Frank | McIntosh | 195 | Flume Avenue |
| Kathy | McIntosh | 195 | Flume Avenue |
| Carol | Sim | 11 | Heath Row |
| Peter | Atkinson | 25 | Heath Row |
| Lew | Solomon | 28 | Heath Row |
| Nancy | Solomon | 28 | Heath Row |
| John | Kayajan | 32 | Heath Row |
| Kathy | Theriault | 7 | Hollidge Hill Lane |
| Mark | DeDecko | 10 | Hollidge Hill Lane |
| Jamie | DeDecko | 10 | Hollidge Hill Lane |
| Ellen | Germann | 35 | Hollidge Hill Lane |
| Gus | Barrigas | 95 | Hollidge Hill Lane |
| Judy | Barrigas | 95 | Hollidge Hill Lane |
| Colleen | Brannen | 200 | Hollidge Hill Lane |
| Ben | Brady | 200 | Hollidge Hill Lane |
| Andrea | Melvin | 250 | Hollidge Hill Lane |
| Robert | Melvin | 250 | Hollidge Hill Lane |
| Susan | Sawyer | 335 | Hollidge Hill Lane |
| Charles | Sawyer | 335 | Hollidge Hill Lane |
| Gay | Rhue | 365 | Hollidge Hill Lane |
| Burton | Rhue | 365 | Hollidge Hill Lane |
| Marc | Fater | 380 | Hollidge Hill Lane |
| Patty | Fater | 380 | Hollidge Hill Lane |
| Michael | Mendis | 1341 | Race Lane |
| Barry | Schwartz | 9 | Regency Drive |
| Joyce | Schwartz | 9 | Regency Drive |
| Robert | Mesrop | 23 | Regency Drive |
| Margaret | Smith | 55 | Regency Drive |
| Paula | Quatromoni | 71 | Regency Drive |
| Scott | Borden | 83 | Regency Drive |
| Andrea | Borden | 83 | Regency Drive |
| Daniel | Hutchinson | 111 | Regency Drive |
| Katie | Medlar | 111 | Regency Drive |
| Linda | Budzynkiewicz | 182 | Regency Drive |
| Oliver | Kocher | 193 | Regency Drive |
| Tobi-Ann | Kocher | 193 | Regency Drive |
| Joan | Cullen | 208 | Regency Drive |
| Kathy | Bryan | 223 | Regency Drive |
| Teresa | Hanafin | 239 | Regency Drive |
| Kathy | Peloquin | 295 | Regency Drive |
| Rachel | Jones | 330 | Regency Drive |
| Skip | Portney | 360 | Regency Drive |
| Leslie | Portney | 360 | Regency Drive |
| Gleb | Zelenoy | 373 | Regency Drive |
| Elizabeth | Zelenoy | 373 | Regency Drive |
| Gail | Goulart | 394 | Regency Drive |
| Tom | Goulart | 394 | Regency Drive |
| Maria | Lucier | 417 | Regency Drive |
| Patty | Govern | 438 | Regency Drive |
| David | Stagman | 439 | Regency Drive |
| Sheila | Stagman | 439 | Regency Drive |
| Sergio | Robles | 454 | Regency Drive |
| Barry | Sheingold | 457 | Regency Drive |
| Diane | Mercaldo | 21 | Waters Edge |
| John | Mercaldo | 21 | Waters Edge |
| Mark | Mathurin | 44 | Waters Edge |
| Christine | Bizinkauskas | 64 | Waters Edge |
| Paul  | Bizinkauskas | 64 | Waters Edge |
| Marc | Powell | 92 | Waters Edge |
| Breanna | Powell | 92 | Waters Edge |
| Veronica | Cote | 94 | Waters Edge |
| John | Aylward | 95 | Waters Edge |
| Diana | Gerbereux | 96 | Waters Edge |
| David | Gerbereux | 96 | Waters Edge |
| David | Gerbereux | 96 | Waters Edge |
| Alex | Bally | 29 | Wheeler Road |
| Margaret | Huskins | 135 | Wheeler Road |
| Ron  | Thalheimer | 317 | Wheeler Road |
| Steven | Joseph | 233 | Wheeler Road |
| Danielle | De Young | 235 | Wheeler Road |
| Peter | Smith | 259 | Wheeler Road |
| Brenda | Ferraro | 279 | Wheeler Road |
| Judith  | Allen | 332 | Wheeler Road |
| Nicole | Sturgis | 347 | Wheeler Road |
| Barry | Sturgis | 347 | Wheeler Road |
| Amanda | McGerigle | 354 | Wheeler Road |
| Mary Ellen | Prizzi | 354 | Wheeler Road |
| Carole | Kleinfeld | 369 | Wheeler Road |
| Neil | Kleinfeld | 369 | Wheeler Road |
| Wendy | Bierwirth | 377 | Wheeler Road |
| Bette Ann | Bierwirth | 377 | Wheeler Road |
| Lizette | Perez | 380 | Wheeler Road |
| Thomas | Deisboeck | 380 | Wheeler Road |
| Angela | O'Brien | 98 | Whistleberry Drive |
| Sean | O'Brien | 98 | Whistleberry Drive |
| Maria | Panagopoulos | 122 | Whistleberry Drive |
| Sandy | Leo-Clark | 253 | Whistleberry Drive |
| Jeffery | Clark | 253 | Whistleberry Drive |
| Ronald | Holt | 261 | Whistleberry Drive |
| Eric | Robillard | 345 | Whistleberry Drive |
| David | Greenman | 362 | Whistleberry Drive |
| Nancy | Mumford | 422 | Whistleberry Drive |
| Scott | Smith | 455 | Whistleberry Drive |
| Lynne | Grove | 455 | Whistleberry Drive |
| Richard | St Aubin | 460 | Whistleberry Drive |
| Deborah | St Aubin | 460 | Whistleberry Drive |
| Lois | Cronin | 484 | Whistleberry Drive |
| Meredith | Marsh | 523 | Whistleberry Drive |
| Jim | Marsh | 523 | Whistleberry Drive |
| Josehpina | Steven | 587 | Whistleberry Drive |