



November 23, 2009

Mr. James Fox  
President, Belchertown Land Trust  
P.O. Box 152  
Belchertown, MA 01007

**Re: Bondsville Upper Dam, Palmer, MA00560  
Extension of Time and Schedule of Amended Dam Safety Order Deadlines**

Dear Mr. Fox:

The Department of Conservation and Recreation (DCR) Office of Dam Safety (ODS) is in receipt of a letter from Senator Stephen Brewer, Senator Stanley Rosenberg, Senator Gale Candaras, Representative Thomas Petrolati, Representative Stephen Kulik, and Representative Todd Smola dated November 6, 2009, written on behalf of the Belchertown Land Trust. The letter supports granting an extension of time to Belchertown Land Trust to meet the requirements in the Certificate of Non-Compliance and Dam Safety Order (Order) dated February 22, 2008 issued regarding the above-referenced dam.

The Order required the Belchertown Land Trust to do the following:

- Conduct Follow-Up Inspections every six months until the dam is repaired or adequately breached with the first report due to ODS no later than May 31, 2008.
- Hire an engineer to conduct a Phase II Inspection and Investigation and submit report to ODS no later than November 30, 2008.
- Bring the dam into compliance and complete repair, breach or removal work no later than November 30, 2009.

To date the Belchertown Land Trust has failed to comply with the requirements of the February 22, 2008 Order. However, ODS does understand that the Trust has worked with consultant Tighe and Bond Engineers to assess repair needs and that the Trust continues to work toward making a decision to either breach or repair the dam

**Therefore the Office of Dam Safety is amending compliance dates as follows:**

1. **Conduct Follow-Up Inspections - The next Follow-Up Inspection must be submitted to ODS no later than January 15, 2010.** The required format for follow-up inspections can be found at <http://www.mass.gov/dcr/pe/damSafety/index.htm> . The frequency for Follow-Up Inspections remains at six month intervals as required by

COMMONWEALTH OF MASSACHUSETTS · EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

Department of Conservation and Recreation  
251 Causeway Street, Suite 600  
Boston MA 02114-2119  
617-626-1250 617-626-1351 Fax  
[www.mass.gov/dcr](http://www.mass.gov/dcr)



Deval L. Patrick  
Governor

Timothy P. Murray  
Lt. Governor

Ian A. Bowles, Secretary, Executive  
Office of Energy & Environmental Affairs

Richard K. Sullivan, Jr., Commissioner  
Department of Conservation & Recreation

regulation. . Specifically, 302 CMR 10.07 (2) states, “High and Significant Hazard potential dams whose conditions are determined to be poor.....must be inspected and reported at least every six months by a registered professional engineer employed by the owner until the dam safety repairs are completed and the dam is found to be in satisfactory condition.”

2. **Phase II Inspection and Investigation – The overdue Phase II Inspection and Investigation must be completed and sent to ODS no later than June 30, 2010.**  
The purpose of this requirement is to determine a course of action to bring the dam into compliance. If the dam owner chooses to repair the dam, the Phase II Investigation must collect sufficient technical information on the dam to support design of the repair alternative. If the dam owner chooses to remove the dam, a thorough analysis of the dam condition may not be necessary and the Phase II Investigation could focus on gathering information necessary to develop and design a removal plan. This requirement is consistent with 302 CMR 10.08: Compliance with Inspection Results (3) “If the Commissioner issues a Certificate of Non-compliance, after receiving the owner’s inspection form, or at any other time, the Commissioner may order the owner of the dam to cause a detailed inspection of the dam by a registered professional engineer, including such tests as the Commissioner may require or recommend to determine the course of action necessary to bring the dam into compliance and a time schedule by which the work shall be accomplished....”.
  
3. **Bring the dam into compliance and complete repair, breach or removal work no later than November 30, 2010.**

This extension of time is issued with the condition that you conduct the required Follow-up Inspections on a six month frequency, beginning January 15, 2010, until such time the dam is confirmed by inspection to have been brought into compliance with dam safety regulations. Failure to comply with the Follow-up Inspection requirement or any other provision of this Extension will result in enforcement action being taken against Belchertown Land Trust consistent with the provisions of 302 CMR 10.15: Schedule of Fees and Fines.

In accordance with MGL Chapter 253 and 302 CMR 10.00, it is the sole responsibility of the dam owner to protect public safety by conducting regular inspections, and operating and maintaining in acceptable condition, a regulated dam.

Prior to conducting any work at your dam including changing the water level, you are obligated to ensure that required notifications have been made and permissions are in place with all applicable local, state and federal agencies.

If you have any questions please do not hesitate to contact Dam Safety Engineer Edward Hughes at 617-626-4965 or [ehughes@state.ma.us](mailto:ehughes@state.ma.us) .

Thank you for your attention to this matter.

Sincerely,



For Richard K. Sullivan, Jr.  
Commissioner

Cc:

Senator Stephen M. Brewer  
Senator Stanley C. Rosenberg  
Senator Gale D. Candaras  
Representative Thomas M. Petrolati  
Representative Stephen Kulik  
Representative Todd M. Smola  
Jack Murray, DCR Deputy Commissioner ✓  
Ariana Johnson, DCR Assistant General Counsel  
Noel Baratta, P.E., DCR Chief Engineer  
Michael Misslin, DCR Deputy Chief Engineer  
Dam Safety File