



# TOWN OF WARE

## Conservation Commission

126 Main Street, Ware, Massachusetts 01082  
413.967.9648

Meeting Minutes from  
**Wednesday, January 13, 2021**  
Selectmen's Conference Room, Town Hall

**Commission Members Present:** Chairman Mark Swett, Dennis Cote, Thomas Barnes, Peter Topor IV, John Prenosil, Agent

**Commission Members Absent:** Kristin Rosenbeck

**Public in Attendance:** Nicole Croteau, Anna Marques, Mr. and Mrs. Luksha

**Public in Remote Participation:** Jeremy Chapman, Damion Berthiaume, Elio Qorri, Joy Cook, Robert Kobelia, Steven Pikul

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Governor Baker's Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, §20, dated March 10, 2020, allows remote participation under this Order due to the Coronavirus State of Emergency.

### PLEDGE OF ALLEGIANCE

Chairman called the meeting to order at 6:41 pm and led the Pledge of Allegiance.

### APPLICATIONS

#### A. DEP 317-370 by Daniel and Amy Luksha, Request for Certificate of Compliance

Certificate of Compliance requested for the rebuilding of a single-family house lost to a fire. J. Prenosil had no issues and appears to be in compliance with Order.

**MOTION** by Dennis Cote to issue the Certificate of Compliance for DEP 371-370. Seconded by Thomas Barnes. No discussion. All in favor 4/0/0.

#### B. DEP 317-452 by Eco's Energy, Monson Turnpike Road, Large-Scale Solar Array

Chairman accepted Thomas Barnes's Mullen Rule from the meeting missed in November 2020. Vice Chairman accepted Mark Swett's Mullen Rule for the meeting missed in November 2020.

Applicant has requested a continuance until next scheduled meeting.

**MOTION** by Dennis Cote to continue the public hearing as requested by Applicant to the next scheduled meeting. Seconded by Peter Topor, IV. No Discussion. All in Favor 4/0/0 to continue.

#### C. DEP 317-463 by Bertin Engineering, Greenwich Road, FT Smith, Large-Scale Solar Array

Chairman accepted Dennis Cote's Mullen Rule from the meeting missed in November 2020. Vice Chairman accepted Mark Swett's Mullen Rule from the meeting missed in November 2020.

Applicant requested a continuance until next scheduled meeting.

**MOTION** by Thomas Barnes to continue the public hearing as requested by Applicant to the next scheduled meeting. Seconded by Dennis Cote. No Discussion. All in Favor 4/0/0.

**D. DEP 317-465 by Bertin Engineering, Greenwich Road, Couture, Large-Scale Solar Array**

Chairman accepted Dennis Cote's Mullen Rule from the meeting missed in November 2020.

Vice Chairman accepted Mark Swett's Mullen Rule from the meeting missed in November 2020.

Applicant requested continuance until the next scheduled meeting.

**MOTION** by Thomas Barnes to continue the public hearing as requested by Applicant to the next scheduled meeting. Seconded by Dennis Cote. Discussion – Commission gave permission to mail the revised plans received 1/1/2021 to the peer reviewer. All in Favor 4/0/0.

**E. DEP NO File number given, by Bertin Engineering, 278 Osborne Road, Harder, Large Scale Solar Array.**

Elio Qorri stated the solar arrays have not changed, just the parcel lines to creating a cul-de-sac due to the Estate Lot restriction. For the project to proceed, a subdivision needed to be created.

Chairman asked the applicant to continue the meeting with permission. E. Qorri granted permission.

**MOTION** by Dennis Cote to continue the public hearing as requested by Applicant to the next schedule meeting. Seconded by Thomas Barnes. No Discussion. All in Favor 4/0/0.

**F. DEP 317-373 by Bertin Engineering, 278 Osborne Road, Request for Certificate of Compliance**

Agent, J. Prenosil stated the mobile home has been removed and the foundation was permitted under the Order of Conditions. Plans in 2007 stated the culvert was installed prior to this Order and there appeared no reason not to issue a partial Certificate of Compliance.

**MOTION** by Dennis Cote to issue a partial Certificate of Compliance for the installation of the foundation. No further work to be completed under this Order. Seconded by Thomas Barnes. Discussion: Joy Cook asked if there was an independent study done for the water runoff from the property. She stated her driveway is in constant repair when it rains/snows. Chairman stated when the solar project is discussed, then that is the time to address the runoff. J. Prenosil visited Joy Cook's property, understands her concerns but did not see a direct connection to 278 Osborne Road being the source of runoff onto her property. Continued to state groundwater changes but this property is not the source of her concerns. T. Barnes asked about an area behind the garage with debris, and J. Prenosil believes it is outside the wetland boundary and the jurisdiction. General discussion between T. Barnes and J. Prenosil about the water runoff and what could be the source and a solution. J. Cook cannot wait for the solar approval to fix her driveway issue now. Majority rule to issue partial Certificate of Compliance 3/0/1-P.Topor.



## **ADMINISTRATION REPORT**

### **A. M. Murphy, Old Gilbertville Rd., Intermittent Stream discussion**

N. Croteau stated an ANR lot was created in 2020 and the homeowners applied for a building permit, but part of the process is to verify if Conservation or other departments have comments on new construction. It was then determined that there is a stream on the parcel. J. Prenosil conducted a site visit which resulted in the owner filing an RDA due to having an intermittent stream. Applicant to submit application by next meeting.

### **B. Approval of Minutes – September 9, 2020 and November 18, 2020**

**MOTION** by Dennis Cote to approve the minutes from September 9, 2020 and November 18, 2020 as presented. Thomas Barnes seconded. Majority 3/0/1-P. Topor.

### **C. Meeting Dates and Deadlines**

N. Croteau presented the meeting dates for 2021, majority being the second Wednesday of each month, unless noted. Included in the chart were deadline dates for new applications-must be submitted 3weeks prior to properly place a legal ad and notify abutters. For applications which were open but needed additional information submitted-this information needs to be submitted no later than 2weeks prior to the next scheduled meeting date. This will allow the Commission and Agent enough time to properly review materials for discussion. Noted on the bottom of the chart was also a disclaimer stating that submission of a Conservation application is granting permission for the Agent, Commission or Peer Reviewer to access the site.

**MOTION** by Thomas Barnes to accept the meeting dates and deadline chart for 2021 as presented. Seconded by Peter Topor. No discussion. All in Favor 4/0/0.

### **D. Updates and Reviews**

MASSDOT informed the department there is a public hearing on Feb 10, 2021 regarding the bridge replacement located at Old Belchertown Road, project no. 605126. T. Barnes asked if the bridge will be closed or one lane remain open. A. Marques was unsure.

### **DEP 317-458 by Town of Ware, Culvert Repair, Old Poor Farm Road**

N. Croteau gave a history of the project approval timeline and stated the Order of Conditions was approved but never signed. The Commission agreed to sign the Order of Conditions.

### **DEP 317-466 SunnySide Storage, 319 Palmer Road, Plan revisions**

Anna Marques presented revised plans for the proposed self-storage units. There will still be 5 units, the size of the units has been changed but not the overall footprint of the proposed site.

First Row – farthest west on the site:

Building 1 has 6,420 st ft total.

Previously there were 2 buildings: each having 7500 sq ft.

Second Row – middle row on the site:

Buildings 2 and 3 have 7,200 sq ft each.

Previously there were 3 buildings: Building 2 having 6800 sq ft., and Buildings 4 and 5 each having 4800 sq ft

Third Row – farthest east of the site

Building 5 has 5000 sq ft.

Previously there was no third row of buildings.

The revised plan indicates a better traffic flow and provides a screening buffer to the abutters. The overall footprint does not increase or have additional impact to the wetlands. General discussion about comparing the revision to the original plan and Commission agreed the revision is fine and will not affect the existing Order of Conditions.

**MOTION** by Denis Cote to accept the revised site plan dated December 2, 2020 as a minor revision and will have no impact on the existing Order of Conditions. Seconded by Thomas Barnes. No further discussion. All in Favor 4/0/0.

#### ADJOURNMENT

**MOTION** to adjourn at 7:35 pm. All in Favor 4/0/0.

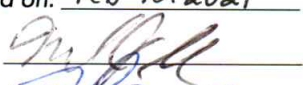



Next scheduled meeting is on February 10, 2021.

Minutes from January 13, 2021

Respectfully submitted by,

Nicole Croteau

Conservation Commission Administration

<i>Minutes Approved on: Feb 10, 2021</i>	
Swett	
Barnes	
Cote	
Rosenbeck	
Topor, IV	