



TOWN OF WARE

Conservation Commission

126 Main Street, Ware, Massachusetts 01082
413.967.9648

Meeting Minutes from
Wednesday, February 10, 2021
Selectmen's Conference Room, Town Hall

- Commission Members Present:** Chairman Mark Swett, Thomas Barnes, Dennis Cote, Kristin Rosenbeck, John Prenosil-Agent,
- Commission Members Absent:** Peter Topper IV
- Public in Attendance:** Martin & Robin Murphy, Nicole Croteau, Anna Marques, Stuart Beckley
- Public in Remote Participation:** Lawrence Cook, Michael Larkin, Neil Jackson, Jeremy Chapman, Elo Qorri, Steven Pikul, Joy Cook, Bill Zinni

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 6:45 pm and led the Pledge of Allegiance.

APPLICATIONS

A. RDA-2021-01 by Martin & Robin Murphy, Lot A, Old Gilbertville Road.

RDA to determine whether the area depicted on the plans is subject to jurisdiction and whether the boundaries of resource area on plans are accurately delineated for the construction of a single-family home and associated site work, septic and well outside the 100-ft buffer zone as shown on a plan dated 9/30/20. John Prenosil, Agent has no issues with the proposed project, originally thought the stream was perennial but after further research it was determined it is not a perennial stream. Suggested to Commission to issue a Negative Determination, Number 1. No further discussion.

MOTION by Kristin Rosenbeck to issue a Negative Determination, Number 1 for the RDA-2021-01 application as presented. Seconded by Thomas Barnes. No discussion. All in favor 4/0/0.

B. RDA-2021-02 by Freedom Forever for Harold Weatherwax, 36 Berkshire Drive

RDA to determine whether the area depicted on the plans is subject to jurisdiction and whether the work is subject to WPA or in jurisdiction of the Ware Bylaw for the installation of a residential use of a 13.110 KW ground mounted solar array constructed in the rear of the property, approx. 101'-1" from the buffer zone, including a 20-ft trench being installed at 18-inch min. below grade. Panels per design stated they will be 32'-5" from the tree line and outside the buffer zone as shown on plans dated 1/6/21 submitted with the application. John Prenosil stated the distance is inaccurate because it is being based upon GIS measurements not actual field measurements.

Although, the proposed work is buffered with a retaining wall. Suggested to Commission to issue a Negative Determination, Number 1. No further discussion.

MOTION by Thomas Barnes issue a Negative Determination, Number 1 for the RDA-2021-02 application as presented. Seconded by Kristin Rosenbeck. No discussion. All in Favor 4/0/0.

C. RDA-2021-03 by J & P Engineering for Coffey Hill Properties LLC, Lot U, Coffey Hill Rd

RDA to determine whether the work depicted on the plans is subject to the WPA for the construction of a single-family home, septic system, driveway, and associated grading outside the 100-ft buffer zone. The 100-ft buffer zone will be protected with a double row of silt fence. The well installation will be within the 50-100-ft buffer zone with a double row of silt fence as shown on plans dated 1/13/2021 submitted with the application. Nicole Croteau stated there was an underground reinforced concrete pipe near the proposed driveway which crosses under the road to drain into the culvert. But this should not affect the proposed project. John Prenosil, Agent has no issues with the proposed project. Suggested to Commission to issue a Negative Determination, Number 2. No further discussion.

MOTION by Dennis Cote to issue a Negative Determination, Number 2 for the RDA-2021-03 application as presented. Seconded by Thomas Barnes. No discussion. All in Favor 4/0/0.

D. DEP #317-449 by Amp Energy for Ware Palmer Road Solar LLC, 313 Palmer Road

Lawrence Cook would like to apply for the UMASS Amherst accreditation of the Silver Pollinator Certificate for the Ware Palmer Road Solar LLC project. Mr. Cook explained it is in the very early stages of planning and wanted to get the general feeling if the Certificate would be favorable by the Commission prior to applying for the accreditation. The Commission stated that additional information about what types of herbicides would be used, what time of year would the herbicides be applied, distances from wetlands, additional information about maintenance and a full design set would be needed. At this point, the Commission is undecided if the program would be feasible. No vote or decision was made, will wait to hear from the Applicant. End of discussion.

E. DEP #317-452 by Ecos Energy, Monson Turnpike Road

NOI Application for construction of a large-scale ground-mount solar array located on Monson Turnpike Road. The applicant and project manager, Rodney Galton requested a continuance until information is received regarding the 401 Water Quality and/or information from DEP. Nicole Croteau stated that the forest cutting has voluntarily stopped to possible violations issued under DEP direction.

MOTION by Dennis Cote to continue the public hearing until the next scheduled meeting. Seconded by Kristin Rosenbeck. No discussion. All in Favor 4/0/0.

F. DEP #317-463 by Bertin Engineering for Melink Solar, Greenwich Road (FT Smith)

NOI Application for construction of a large-scale ground-mount solar array located on Greenwich Road. The applicant and project manager, Steven Pikul requested a continuance until next scheduled meeting.

MOTION by Kristin Rosenbeck to continue the public hearing until the next scheduled meeting. Seconded by Thomas Barnes. No discussion. All in Favor 4/0/0.

G. DEP 317-465 by Bertin Engineering for Melink Solar, Greenwich Road (Couture)

NOI Application for construction of a large-scale ground-mount solar array located on Greenwich Road. Steven Pikul presented plans showing upgrades to the modular to increase the MW size but nothing else has changed since last submittal. (Conservation Dept does not have this set of plans which are presented tonight on file.) General discussion topics included the battery storage being enclosed and using a powder fire suppression system and grading being very minimal per S. Pikul. Chairman Swett stated that DEP had issues with the wetlands during their review and asked if matters have been corrected. S. Pikul explained that work will be taken out of the 50ft buffer but staying within the 100-ft buffer. Vice Chairman Barnes asked about the debris onsite from the installation of the bridge and asked for it to be cleaned up. J. Prenosil stated the debris was still present during his site walk. Chairman Swett asked for it to be a Condition that the debris is to be cleaned up before issuing a Certificate of Compliance if the project was approved. Chairman also stated that since the plans presented tonight are not filed with the Conservation Department, that Pikul is to submit the plans.

MOTION by Thomas Barnes to continue until next scheduled meeting. Seconded by Kristin Rosenbeck. Discussion – Commission wants the bridge debris to be removed by June 1, 2021. Additionally, would like to verify if this parcel is in Chapter Land. All in Favor 4/0/0.

E. DEP 317-468 by Bertin Engineering, 278 Osborne Road, Harder, Large Scale Solar Array.

NOI Application for construction of a large-scale ground-mount solar array located on Osborne Road. First topic of discussion was about the Enforcement Order being issued in January 2021 and since the timeframe has passed for being able to issue such Order, the Commission is unable to ratify the culvert situation. The culvert was installed when the parcel was owned by P. Krol. Therefore, the Commission is rescinding the Enforcement Order.

MOTION by Mark Swett to rescind the Enforcement Order issued January 29, 2021. Seconded by Kristin Rosenbeck. No further discussion. 2/0/2 (D. Cote & T. Barnes).

To continue the discussion on solar: S. Pikul stated the existing foundation will be abandoned and the existing garage will be relocated within the parcel. The proposed roadway will be private and was created under the Planning Board Subdivision Control Permit because as discussed earlier, this was an Estate Lot. The lot will be split into 2 parcels. The proposed road will meet the stormwater requirements. Discussion between Chairman Swett and T. Barnes in regards to the condition of the about the existing culvert on Osborne Rd and wondering if DPW can clean the culvert to help with the current runoff on the street, which may or may not be related to this site. S. Pikul stated the stormwater drainage design meets DEP requirements. B. Zinni asked the Commission if Hardwick should have a joint site walk with the peer reviewer. Nothing was determined. Discussion among the applicant and Commission was about if the stormwater drainage design should be included with the peer review under the Conservation Dept or Planning Board. It was agreed by the Commission for the drainage to be included. N. Croteau to obtain an amended quote for the peer review.

MOTION by Tom Barnes to continue the public hearing until the next schedule meeting. Seconded by Kristin Rosenbeck. No Discussion. All in Favor 4/0/0.

ADMINISTRATION REPORT

Approval of Minutes – January 13, 2021

MOTION by Kristin Rosenbeck to approve the minutes from January 2021 as presented. Seconded by Denis Cote. Majority 3/0/1.

MASSDOT Bridge Replacement, Route 32 (Palmer Road), Project File No. 605126. Presented the Commission a Virtual Design Public Hearing document regarding the bridge replacement for a hearing on Feb 10, 2021, this included a scope of work. Encouraged the Commission to join the meeting and ask any questions. Currently, the bridge has 1 lane open with a temporary signal. Scope of work included: build a new and modern bridge for safe travel, sidewalks, guardrails, intersection improvements, update safer line of sight, improve stormwater management. End of discussion.

Peter Martowski, 21 Shady Path, First Right of Refusal
The Conservation Department received a letter dated January 12, 2021, from Warren Thompson, Esq. on behalf of Peter Martowski to remove a portion of property from Chapter 61A. The parcel of land is described and shown on plan entitled: "Plan of Land Shady Path Ware, MA, prepared by Smith Associates Surveyors, Inc." recorded in Hampshire County Registry of Deeds, Plan Book 248, Page 43, shown as Parcel A, containing 7,171 sq ft or 0.16 acres.

MOTION by Chairman Swett to not act on the right. Seconded by Kristin Rosenbeck. All in favor. 4/0/0.

DEP 317-361, Beaver Lake Club Corporation, Annual Reporting
The Beaver Lake Club Corporation presented a letter stating the intended work to be completed in Spring and Summer of 2021 may or may not consist of hand raking under the water, add sand if needed, clear brush from boat launches, clear brush outside of buffer zones and rake the sand with harrow rakes. The Corporation is requesting to have the annual reporting moved from Winter to Springtime.

MOTION by Kristin Rosenbeck to accept the letter of intent for work to be completed 2021 and to move the reporting timeframe from Winter to Spring. Seconded by Chairman M. Swett. All in favor 4/0/0.

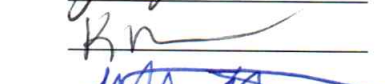

ADJOURNMENT

MOTION to adjourn at 8:05 pm. All in Favor 4/0/0.

Next scheduled meeting is on March 10, 2021.

Minutes from February 10, 2021
Respectfully submitted by,

Nicole Croteau
Conservation Commission Administration

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