



TOWN OF WARE

Conservation Commission

126 Main Street, Ware, Massachusetts 01082
413.967.9648

Meeting Minutes from
Wednesday, March 09, 2022
Selectmen's Conference Room, Town Hall

Commission Members Present: Chairman Mark Swett, Vice-Chairman Thomas Barnes, Dennis Cote, Kristin Rosenbeck, John Prenosil, Agent

Commission Members Absent: Peter Topor IV

Public in Attendance: Jim O'Mara, Rodney Galton, Brandi Estridge, Stuart Beckley, Nicole Croteau

Public in Remote Participation: Maryann DiPinto, Cathy Cronin, Jeremy Chapman, Steven Pikul, Cynthia Henshaw, Anna Marques, Robert Kobelia

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.

Topics may have been taken out of order according to posted agenda.

PLEDGE OF ALLEGIANCE

Chairman called the meeting to order at 6:32 pm and led the Pledge of Allegiance.

APPLICATIONS

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

NOI – Proposed construction of a Large-Scale Ground-Mount Solar Array – Wetland Crossing

Rodney Galton, Project Manager, presented revised plans indicating the removal of the proposed permanent wetland crossing and the removal of Sydney #1D array section to eliminate having to file a 401 Water Quality, also stated the Stormwater Drainage Report will remain the same. There will still be a temporary crossing for the underground drilling to connect the electrical to Coffey Hill Road. Timber mats will be used for the temporary crossing, and will have little soil disturbance, no fill. General discussion included topics such as:

- Status of a construction phasing and/or sequence plan provided, response: there is but will provide an updated plan eliminating the Sydney #1D array and calling out the Phasing in more detail. Phase I is to construct the entrance and pond, and then each pond is its own Phase, then the electrical connect to Coffey Hill Road will be towards the end of construction
- SWPPP Report status, response: will be finalized and filed with Army Corp. The Commission wants the SWPPP to be filed prior to issuance of the Order of Conditions.
- What type of seed mixture will be used and what is the lawn maintenance plan, response: typical solar seed mixture – native grass, flowering plants, but not pollinator, open for suggestions from Commission.

- Fence height from the ground, response: 6-inches, and N. Croteau stated anything over 7-ft typically requires a Building Permit, plans do note a 7.5ft high fence.
- Wildlife corridor, response: fence is just around the arrays not the whole property, so should not be an issue with wildlife in the area
- What is the road material, response: gravel roads for less maintenance
- What is the approx. time frame for the temporary crossing, response: towards the end of the project, but not sure how long the Timber mat will be placed
- Is a project manager on site everyday, response: R. Galton is in the area but not on-site everyday
- Construction time frame: response: no set time frame but to help 1MW is about 2-3 months typically

The Commission discussed about having a special hearing to close the public hearing and vote on the proposed project prior to the next regular schedule meeting date.

MOTION by Thomas Barnes to continue until March 30, 2022, at 6:00pm with applicant to supply the SWPPP Report and a revised Construction Sequence and Phasing Plan prior. Seconded by Kristin Rosenbeck. No further discussion.

Roll Call:	Mark Swett	Yes	Thomas Barnes	Yes
	Kristin Rosenbeck	Yes	Dennis Cote	Yes
	All in favor. 4/0/0.			

DEP #317-463 by Bertin Engineering for Melink Solar LLC (*FT Smith*)
 NOI – Proposed construction of a Large-Scale Ground-Mount Solar Array on Greenwich Rd

Applicant requested a continuance to the next regular scheduled public hearing date.

MOTION by Thomas Barnes to continue to the next regular scheduled public hearing date as requested. Seconded by Kristin Rosenbeck. No further discussion.

Roll Call:	Mark Swett	Yes	Thomas Barnes	Yes
	Kristin Rosenbeck	Yes	Dennis Cote	Yes
	All in favor. 4/0/0.			

DEP #317-465 by Bertin Engineering for Melink Solar LLC (*Couture*)
 NOI – Proposed construction of a Large-Scale Ground-Mount Solar Array on Greenwich Rd

Steve Pikul stated revised plans and response to the peer review comments will be delivered tomorrow to the Department. N.Croteau there has been progress on the 3 Melink applications. There was a project meeting with the applicant, Conservation agents and peer review consultants last month and was very productive.

Applicant requested a continuance to the next regular scheduled public hearing date.

MOTION by Kristin Rosenbeck to continue to the next regular scheduled public hearing date as requested. Seconded by Dennis Cote. No further discussion.

Roll Call:	Mark Swett	Yes	Thomas Barnes	Yes
	Kristin Rosenbeck	Yes	Dennis Cote	Yes

All in favor. 4/0/0.

DEP #317-468 by Bertin Engineering for Melink Solar LLC (*Harder*)
NOI – Proposed construction of a Large-Scale Ground-Mount Solar Array on Osborne Rd

Applicant requested a continuance to the next regular scheduled public hearing date.

MOTION by Thomas Barnes to continue to the next regular scheduled public hearing date as requested. Seconded by Kristin Rosenbeck. No further discussion.

Roll Call:	Mark Swett	Yes	Thomas Barnes	Yes
	Kristin Rosenbeck	Yes	Dennis Cote	Yes

All in favor. 4/0/0.

DEP #317-479 by Brandi Estridge, 67 Old Poor Farm Road
NOI – Restore altered wetland area and create lawn in the buffer zone for children’s play area and chicken coop.

N. Croteau provided a general update to the Commission – correspondences between John Prenosil and Maryann DiPinto have taken place about how the plans are incomplete on numerous occasions. Brandi Estridge would like to fix her yard but not be held liability for the work prior to her ownership. Chairman Swett explained how Order of Conditions stay with the property and it is the buyer’s due diligence to research these types of things.

Discussion continued between the Commission, Agent, and M. DiPinto – M. DiPinto gave a brief history of the project stating originally submitted the NOI with a hand drawn plan and B. Estridge wanted to fill the yard. After M. DiPinto’s delineated the wetlands, the area where B. Estridge wanted filled was determined to be wetlands. The previous owner clear cut trees, B. Estridge only cut 3 trees. The previous owner also placed fill from the driveway to the well area. Where the trampoline is on now on the property, can and proposed to be restored, and just found out B. Estridge had placed pea-stone around the trampoline but that will be removed as well. Continued to state (M. Dipinto) is in the process of ordering shrubs to replace what was cut and will leave the stumps as part of the restoration. Chairman Swett wanted this all-in writing. J. Prenosil disagreed with M. DiPinto and stated the stumps being left is not part of the WPA. M. DiPinto continued to request the Commission close the hearing based upon her statement, “the application and plans are complete and has provided substantial information to make a decision.” M. DiPinto continued to state that the area of restoration near the trampoline be in an Order of Conditions rather than an Enforcement Order. And continued to state there is nothing else to do, no additional restoration required, let the wetland restore itself.

J. Prenosil strongly disagreed. (J. Prenosil) State has been waiting for almost 8-months for a response to comments. M. DiPinto replied "you have all the information you need to make a decision." J. Prenosil disagreed, was an updated NOI provided? Has an updated plan with the revised wetland boundaries been provided? M. DiPinto stated yes and was on vacation and unable to access documents, but the Commission can either approve, deny, or continue the meeting. Continued to state, "you will not get a whole lot more of information." Chairman Swett stated if voted on tonight it would be dined because failure to provide information. The discussion was ended. Chairman Swett suggested to B. Estridge to request a continuance until the next regular scheduled meeting. B. Estridge agreed.

MOTION by Kristin Rosenbeck to continue to the next regular scheduled public hearing. Seconded by Thomas Barnes. No further discussion.

Roll Call: Mark Swett Yes Thomas Barnes Yes
Kristin Rosenbeck Yes Dennis Cote Yes
All in favor. 4/0/0.

RDA-2022-03 by Roland Bolduc, 38 Shoreline Drive

Request for Determination whether the work depicted on the plans referenced is subject to the WPA – Removal of 4 trees within the buffer zone.

Roland Bolduc is seeking approval to remove 4 dead trees within the buffer zone using a crane. John Prenosil spoke on behalf of the applicant – the applicant was not present. This application was generated from a Site Inspection Request.

MOTION by Thomas Barnes to issue a Negative Determination, Sighting Number 3 with conditions that there is to be no stump grinding and all debris is to be removed from the property and work is to be completed by using a crane. Seconded by Dennis Cote. No further discussion.

Roll Call: Mark Swett Yes Thomas Barnes Yes
Kristin Rosenbeck Abstain Dennis Cote Abstain
Majority in favor 2/0/2-Kristin Rosenbeck and Dennis Cote.

ADMINISTRATION

a. Forest Cutting Plan: M. Moriarty Jr., Babcock Tavern & Old Belchertown Roads, Parcels: 8-0-18 and 8-0-19, along Beaver Brook.

N. Croteau presented the FCP and asked if the Commission had any concerns about language in the plan for "...treated chemically to promote native vegetation and tree regeneration."

General Discussion: J. Prenosil stated this is typical for invasive species. No further action.

b. Approval of Minutes: February 09, 2022

MOTION by Kristin Rosenbeck to approve the minutes as presented. Seconded by Dennis Cote. No further discussion.

Roll Call: Mark Swett Yes Thomas Barnes Abstained
Kristin Rosenbeck Yes Dennis Cote Yes
Majority in Favor. 3/0/1-Thomas Barnes.

- c. **East Quabbin Land Trust:** Finn Woodlot, Old Stagecoach Road, 25.11 Acres, Cynthia Henshaw is requesting the Commission to hold a Conservation Restriction on property abutting the existing Hyde Woodland Preserve. C. Henshaw presented a draft of the restriction and plans for reference. The Commission asked for the Town Attorney to look over the drafted language before signing. A letter was prepared in support of the project to be signed by Chairman Mark Swett dated March 09, 2022.

MOTION by Thomas Barnes to have Chairman Swett sign the letter in support of the restriction. Seconded by Kristin Rosenbeck. No further discussion.

Roll Call: Mark Swett Yes Thomas Barnes Yes
 Kristin Rosenbeck Yes Dennis Cote Yes
 All in Favor. 4/0/0.

d. Bondsville Road

Vice-Chair T. Barnes request J. Prenosil to verify if the debris along the Swift River is a possible violation. T. Barnes stated a few years ago, the prior Agent was on-site and spoke with the Owner about the issue and the owner agreed to clean it up. It does not appear to be cleaned up as of now. J. Prenosil stated he would investigate.

e. Miscellaneous

Vice-Chair T. Barnes presented maps to the Commission reflecting the Aquifer zones in town and would like the Commission to keep these areas in mind when making decisions on major projects. These are valuable areas within town.

ADJOURNMENT

MOTION to adjourn at 7:28 pm. All in Favor.

Next regular scheduled meeting is on April 13, 2022.

Minutes from March 09, 2022

Respectfully submitted by,

Nicole Croteau
 Conservation Commission Administrator

<i>Minutes Approved on:</i> 7/13/2022	
Swett	
Barnes	
Cote	
Rosenbeck	
Topor, IV	_____