



TOWN OF WARE

Conservation Commission

126 Main Street, Ware, Massachusetts 01082
413.967.9648

Meeting Minutes from
Wednesday, May 12, 2021
Selectmen's Conference Room, Town Hall

Commission Members Present: Vice-Chairman Thomas Barnes, Dennis Cote, Kristin Rosenbeck, Peter Toper IV

Commission Members Absent: Chairman Mark Swett

Public in Attendance: Judy Aversa, Libby Talbot, Brandi Estridge, Richard Stupsik, Ron Stupsik, Nicole Croteau, John Prenosil, Anna Marques

Public in Remote Participation: Heidi Graf, Stephen Houle, Charles Fry

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

Vice-Chairman T. Barnes called the meeting to order at 6:40 pm and led the Pledge of Allegiance.

APPLICATIONS

DEP #317-452 by Ecos Energy, Monson Turnpike Road *Requested a Continuance*

NOI - Proposed construction of a Large-Scale Ground-Mount Solar Array – Wetland Crossing.
Applicant requested a continuance until next scheduled meeting.

MOTION by Dennis Cote to continue the public hearing until the next scheduled meeting.
Seconded by Peter Toper. No Discussion. All in Favor 3/0/0.

DEP #317-463 by Bertin Engineering for Melink Solar LLC (FT Smith) *Request for Continuance*

NOI - Proposed construction of a Large-Scale Ground-Mount Solar Array on Greenwich Rd
Applicant requested a continuance until next scheduled meeting.

MOTION by Dennis Cote to continue the public hearing until the next scheduled meeting.
Seconded by Peter Toper. No Discussion. All in Favor 3/0/0.

DEP #317-465 by Bertin Engineering for Melink Solar LLC (Couture) *Request for Continuance*

NOI - Proposed construction of a Large-Scale Ground-Mount Solar Array on Greenwich Rd
Applicant requested a continuance until next scheduled meeting.

MOTION by Peter Toper to continue the public hearing until the next scheduled meeting.
Seconded by Dennis Cote. No Discussion. All in Favor 3/0/0

DEP #317-468 by Bertin Engineering for Melink Solar LLC (*Harder*) ***Request for Continuance***
NOI - Proposed construction of a Large-Scale Ground-Mount Solar Array on Osborne Rd
Applicant requested a continuance until next scheduled meeting.

MOTION by Peter Toper to continue the public hearing until the next scheduled meeting.
Seconded by Dennis Cote. No Discussion. All in Favor 3/0/0

RDA 2021-04 Doane Road by Sherman & Frydryk for Ana Estien on Doane Road, Parcel 22-39-3
Request for Determination to decide if work depicted on plans is subject to the Wetland Protection Act for construction of a single-family home, septic and well. Work within the 100ft buffer will be resulting from fill associated with the septic system construction.

Revised plans were submitted to indicate the permanent bounds to be set on the property as requested at the last meeting. No representative was present. J. Prenosil responded to neighbors inquiring about vernal pools. J. Prenosil was on site and there are two ponds in the areas but not location on the project site. J. Prenosil stated he is unsure if these are indeed certified vernal pool. Vice-Chairman Barnes asked if there were egg masses or within Natural Habitat. John stated no to both. The pools are isolated and there is no connection to the site, no surface or culvert crossing the street onto the site. These are not even boarding vegetated wetland because no connect and not isolated land to flooding. From a regulator standpoint J. Prenosil cannot protect the area of the vernal pools, they do not fit the criteria. If it was a certified vernal pool because it is isolated, does not protect standalone vernal pool. John did not see or hear amphibians. If the vernal pool were in a different location, it would be protected. But the current location does not protect it. The only way to protect it is if the Town adopted a Bylaw. This project meets all the design criteria according to J. Prenosil. N. Croteau did have a few questions for the applicant: there is path to the tree houses and wondering what the base material for the path is. Secondly, there are trees to be remove as indicated; but what kind, how many, will the stumps be grinded or removed. Vice Chairman Barnes feels there is a lack of information and would suggest a continuance to the next meeting.

MOTION by Dennis Cote to continue to next meeting for lack of information. Seconded by Peter Toper. No Discussion. All in favor 3/0/0.

RDA-2021-05 by Ronald Stupski, Palmer Road, Parcel 9-0-90

Request for Determination to decide whether the area and/or work depicted on the plans/map is subject to WPA and/or subject to the jurisdiction of any municipal wetland bylaws for the construction of 5 enclosed greenhouses for plant production.

Applicant is requesting to construct six agricultural use greenhouses on site having an access road off Palmer Road and wetlands to the west side of the property. Wetlands on the west side are much defined and there is no proposed work within the buffer zone. The limit of disturbance is clearly marked. There will be electrical to the greenhouses and will have town water. A. Marques stated that proper permitting is required for electrical or plumbing. A. Marques asked if there was discussion with DPW yet. Applicant stated no, not yet. Construction will be done in stages.

MOTION by Peter Toper to issue a Negative Determination, Number 1. Seconded by Dennis Cote. N. Croteau stated that the decision should be amended to state -1 for area and -2 for work described. P. Toper amended the vote to -1 and -2. No further discussion. All in Favor 3/0/0. N. Croteau stated the Determination is only valid for 3-years.

ADMINISTRATION REPORT

A. Approval of Minutes – Tabled by Vice Chairman Barnes

B. RDA-2020-13 Stephen Houle, 13 Wildflower Drive – Update

N. Croteau explained that the RDA in 2020 was approved with a condition that no fill was to be brought onto the site as requested. S. Houle is now asking the Commission to have the fill to level the yard and grade, so the yard is feasible to use. J. Prenosil visited the site, and the existing lawn is altered from the previous owner and appeared to be buffer zone project only, no current violations. Portions of the yard are steep near the house. The existing front and side lawn are basically wetlands. S. Houle feels the rear yard is not near the wetlands. Applicant would like to add fill to make the yard level and useable. T. Barnes stated he had concerns for Gould Road that if anything above will affect below. Currently Gould Road has ice issues and would like to keep everything away from the resource area, and feels the Commission needs to stand firm on the previous decision and not all the additional fill. Applicant would like to be able to plant grass and stabilize the area. Would install proper controls to prevent erosion during growing period to help any runoff. S. Houle is unsure why the Commission would not allow this. S. Houle stated a lot of people have grass on hills and would like the same for his property especially if proper controls are in place. A. Marques asked if the Commission had minutes from that meeting. N. Croteau stated the previous application was for cutting of trees and to add fill to level the yard. The Commission granted permission for the tree clearing but not the fill. S. Houle called and spoke to N. Croteau about filing a Notice of Intent for the fill and N. Croteau suggested to the applicant to talk with the Commission to prior to filing because the original determination clearly stated no fill was allowed. S. Houle does not want to file a NOI and spend the money if the Commission has a hard no answer on not allowing the fill. J. Prenosil stated the area is within the buffer zone, if the applicant would like to present a site plan showing the wetland boundaries, erosion control measures, existing and proposed grades then it could be a simple project but that has not been completed yet. The proposed grading would be at the closest 15ft to wetlands. N. Croteau pulled up aerial photos on the computer. J. Prenosil showed the area on the computer what S. Houle intent was. T. Barnes suggested to file an NOI and indicate permanent boundary markers on the plan. S. Houle stated if he does file NOI, would the project be approved? T. Barnes stated cannot say yes or no at this time without the proper plans and paperwork presented. End of discussion. No action required by the Commission.

C. National Grid Notification

H. Graf from BSC presented the letter to the Commission stating this is basic maintenance. Vice Chairman Barnes asked if any work is within Quabbin. H. Graf stated there are a few structures: 299, 304, 305, 306, 310, 312, 314 in the Quabbin and has already filed Watershed Protection Act and secured a short-term access permit. N. Croteau stated in the past the Commission has asked for project updates and wanted to know if the Commission would be requesting updates for this

project. H. Graf stated once the structures are completed, an email will be sent to N. Croteau. The Commission felt that the email notification was sufficient. End of discussion. No action required by the Commission.

D. ROFR-2021-03 First of Right Refusal by Packard Law for Cynthia Turek, Webster Road

The Commission was entertaining the idea of a site walk. General dates were discussed. N. Croteau would like to give the attorney and/or C. Turek a few dates within the next two weeks if the Commission decides to visit. N. Croteau stated that Quabbin Reservoir is not interested in the parcels for open space. N. Croteau stated that a complaint was sent to DEP. J. Prenosil completed a site investigation and confirmed there was no sheen observed as the nature of the complaint. DEP also confirmed no sheen on site. The complaint is taken care of. End of discussion. No action taken by the Commission. No date was set.

E. MassWild Life Notification – Updating Maps

N. Croteau stated a notification letter was received stating MassWild Life will be updating the maps and open for public comments until July 3, 2021. End of Discussion. No action taken by the Commission.

F. Brandi Estridge, 67 Old Poor Farm Road, Compliant sent to DEP

N. Croteau stated a complaint came into the department from DEP stating there was illegal tree cutting on the site. N. Croteau contacted the homeowner to request a site inspection. J. Prenosil conducted a site inspection and told the owner to stop all work until this meeting and requested E. Estridge to file a Notice of Intent for the work being done. No Enforcement Order or Cease and Desist was issued. B. Estridge is a new homeowner (2 abutting parcels) and was unaware of the Wetland Protection Act and was misinformed about the wetlands. J. Prenosil stated the wetlands basically go to the back door. B. Estridge hired a wetland consultant to file the NOI to create a lawn area. B. Estridge asked if she could plant blueberry trees and wildflowers and remove the trees already cut, by hand, so they do not rot. J. Prenosil explained the process of the NOI procedures and suggest the wetland consultant to contact him to discuss. Continued to suggest to not start planting without knowing how much replication is needed. Vice Chairman T. Barnes suggested to have permanent boundary markers installed for future owners to be aware of the limit of disturbance.

G. Judy Aversa, Shoreline Drive, Complaint

N. Croteau stated an anonymous complaint came into the department asking if the owner had Conservation approval to remove trees along Beaver Lake. The complainant saw a tree cutting company on site. J. Prenosil conducted a site inspection and told the owner to stop all work until this meeting, continued to state anything within a 100-ft to wetlands is within the Conservation jurisdiction. J. Prenosil flagged the 100-ft buffer. The owner would like to clear approximately 15 trees surrounding the house. Vice Chairman T. Barnes stated any trees which appear to be a danger, the Commission acts very quickly. Vice Chairman Barnes stated homeowners should request a site inspection for threat trees and once verified they are a threat then permission would be granted. N. Croteau asked if the company is cutting and grinding the stumps or leaving them.

J. Aversa stated that the stumps are to remain. P. Topor asked if Commission is giving a blanket approval to remove all threat trees. Vice Chairman T. Barnes stated yes if the Agent feels they are. End of discussion. No action taken by the Commission.

ADJOURNMENT

MOTION to adjourn at 7:45 pm. All in Favor 3/0/0.

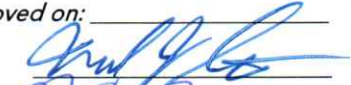


Next scheduled meeting is on June 9, 2021.

Minutes from May 12, 2021

Respectfully submitted by,

Nicole Croteau

Conservation Commission Administration

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