



# TOWN OF WARE

## Conservation Commission

126 Main Street, Ware, Massachusetts 01082  
413.967.9648

Meeting Minutes from  
**Wednesday, May 17, 2022**  
Selectmen's Conference Room, Town Hall

**Commission Members Present:** Chairman Mark Swett, Dennis Cote, Kristin Rosenbeck, Peter Topor IV

**Commission Members Remote:** Agent John Prenosil

**Commission Members Absent:** Vice-Chairman Thomas Barnes

**Public in Attendance:** Maryann DiPinto, Tyrone and Susan Parent, Nicole Croteau

**Public in Remote Participation:** Carolyn Gorss, Greg Russo, Brandi Estridge, Daniel von Allmen, Cynthia Henshaw, Jeremy Chapman, Elio Qorri, Kathy Cronin, Anna Marques

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

### PLEDGE OF ALLEGIANCE

Chairman Swett called the meeting to order at 6:35 pm and led the Pledge of Allegiance.

### APPLICATIONS

**RDA-2022-04** by Bohler Engineering on behalf of McDonald's USA, LLC, 117-119 West Street. Request for Determination whether the work depicted on the plans referenced is subject to the Wetland Protection Act - reconfiguring of the existing single lane drive-thru to a double lane drive-thru.

Applicant requested the hearing to be continued to next regular scheduled meeting.

**MOTION** by Kristin Rosenbeck to continue to the June meeting. Seconded by Peter Topor, IV. No further discussion.

Roll Call:	Mark Swett	Yes	Dennis Cote	Yes
	Kristin Rosenbeck	Yes	Peter Topor, IV	Yes
	All in Favor. 4/0/0.			

**RDA-2002-07** by BSC Group on behalf of Massachusetts Electric Company, Sherman Hill Road, Sczygiel Road and Coffey Hill Road.

Request for Determination whether the work depicted on the plans referenced is subject to the Wetland Protection Act - line reconductoring, including installation and replacement of

distribution poles along Sherman Hill Road, Sczygiel Road, and Coffey Hill Road, tree removal will be required for some locations.

Carolyn Gorss presented the application to the Commission. Pole replacements and installation will occur within the 100-ft buffer zone to BVW and isolated vegetated wetland. There will be selective trees removed for the installation project and associated tree trimming throughout the project areas. (See application for Pole numbering and location)

Each pole is approximately 6 feet deep, excavated soils will be used to backfill the holes. Any excess spoils will be removed from upland resource areas and disposed of properly. Pole installation will result in approximately 8 sq ft of temporary disturbance and takes approximately 1-day to complete per pole. Any areas disturbed will be restored to pre-existing conditions. All disturbed areas will be stabilized. Any stockpile of material will be outside of resource buffers. The estimated start time frame is the end of summer but not 100% sure.

Any fueling or maintenance required will be brought to an area greater than 100 feet away from any wetland area.

Commission agreed this was standard maintenance and no further questions or concerns.

**MOTION** by Dennis Cote to issue a Negative Determination, Sighting Number 3. Seconded by Peter Topor, IV. No further discussion.

Roll Call:	Mark Swett	Yes	Dennis Cote	Yes
	Kristin Rosenbeck	Yes	Peter Topor, IV	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 Road

Applicant requested the hearing to be continued to next regular scheduled meeting.

**MOTION** by Dennis Cote to continue to the June meeting. Seconded by Kristin Rosenbeck. No further discussion.

Roll Call:	Mark Swett	Yes	Dennis Cote	Yes
	Kristin Rosenbeck	Yes	Peter Topor, IV	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 Road

N. Croteau stated the peer reviewer is satisfied with the final plans and response letter (see BSC Group letter dated 05/10/22) and NHESP is also satisfied with the documents and plans submitted

(see NHESP email dated 05/17/2022). N. Croteau presented a draft of the Order of Conditions for review and discussion. Chairman Swett requested the SWPPP to be submitted prior to the start of construction. Anna Marques stated the SWPPP is required as part of the Building Permit application process so it would be submitted at that time as well. Vice-Chairman T. Barnes submitted an email asking about the type of trucks and traffic count. Response from J. Chapman was at the heaviest time would be no more than 10 trucks per day for an estimated 90-days construction time frame. Although weather could delay this time frame. No further discussion.

**MOTION** by Kristin Rosenbeck to approve the application and plans with the Order of Conditions as reviewed with the applicant to submit the SWPPP prior to the start of construction. Seconded by Dennis Cote. No further discussion.

Roll Call:	Mark Swett	Yes	Dennis Cote	Yes
	Kristin Rosenbeck	Yes	Peter Topor, IV	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 Road

Applicant requested the hearing to be continued to next regular scheduled meeting.

**MOTION** by Kristin Rosenbeck to continue to the June meeting. Seconded by Peter Topor, IV. No further discussion.

Roll Call:	Mark Swett	Yes	Dennis Cote	Yes
	Kristin Rosenbeck	Yes	Peter Topor, IV	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.

Maryann DiPinto apologized for all the miscommunication. During the site meeting, the areas of impact were redefined. M. DiPinto started some of the plantings. J. Prenosil agreed to the revised delineation and agreed the plan now shows the revised wetland boundaries. D. Cote asked if the stumps indicated on the plan were to be removed and M. DiPinto stated yes. Homeowner B. Estridge asked what if the wetlands dry up, can the area be used. The Commission stated no and would need to submit another application for any new proposed work.

**MOTION** by Kristin Rosenbeck to approve the application and plans submitted and issue an Order of Conditions with the standard Special Conditions. Seconded by Peter Topor, IV. No further discussion.

Roll Call:	Mark Swett	Yes	Dennis Cote	Yes
	Kristin Rosenbeck	Yes	Peter Topor, IV	Yes
	All in Favor. 4/0/0.			

**DEP #317-388** by Joseph Sidur Jr., 141 Gilbertville Road  
Request for Extension Permit for Order of Conditions – Pond Management

John Prenosil doesn't agree this extension request should be allowed. The pond is less than 5ft and applicant should supply additional information. Chairman M. Swett agreed more info is needed, just like information is required for Beaver Lake. J. Prenosil stated there appears to be no surface vegetation and maybe proceed with spot treatment. No further discussion.

**MOTION** by Chairman Mark Swett to continue to next scheduled meeting. Seconded by Kristin Rosenbeck. No further discussion.

Roll Call:	Mark Swett	Yes	Dennis Cote	Yes
	Kristin Rosenbeck	Yes	Peter Topor, IV	Yes
	All in Favor. 4/0/0.			

## **ADMINISTRATION**

### **A. Tyrone & Susan Parent** - Parcel 10-139-1, Shady Path – Possible Violation General Discussion

J. Prenosil was not able to walk the site, but it did appear the lumber or logs are in or near the wetland boundaries. Mrs. Parent asked which lot was being referred to and stated wetlands were on the site in years prior but not currently. Chairman M. Swett asked about a culvert being replaced. Mr. Parent indicated the culvert was repaired on the cart path. The Parents were not aware of Conservation application procedures. Chairman M. Swett explained that any activities near the wetlands or fall under the WPA, and that the Commission does not act on, then get overseen by MADEP and violations can be issued. Mrs. Parent explained there was a crossing existing when the house was bought. Chairman M. Swett requested the owners meet on site with J. Prenosil to review the concerns and delineate any wetlands to stop any further activities. The culvert on the other lot was permitted. No further discussion. No action required.

### **B. DEP #317-361** by Beaver Lake Club Corp - 2022 Annual Maintenance Update, Letter dated April 29, 2022

Kathy Cronin was present on behalf of BLCC. John Prenosil stated kudos to Beaver Lake Club Corp for the thorough job. The letter was just stating basic maintenance as part of the ongoing Order of Conditions. No further discussion. No action required.

### **C. RDA-2017-04** by Clearway Energy Group on behalf of ForeFront Power, LLC and Canadian Tree Solar, 415 Belchertown Road, Parcel 21-0-22 - Project Update

The original design had the overhead lines go behind the shed, but the landowner decided to go underground in front of shed. Clearway accommodated that request but was still in the buffer zone under what was approved. The overall impacts were reduced from the original design. P. Topor stated if this area was already disturbed then it really doesn't change the determination. Overall, the Commission and Agent agrees with P. Topor. No further discussion. No action required.

**D. East Quabbin Land Trust** - Parcel 40-0-36, Old Stagecoach Road owned by Daniel Finn - Conservation Restriction Discussion, 25.11 acres

Cynthia Henshaw presented the project site being adjacent to the Hyde property, which currently has a CR. The grant funding was approved for the Finn property and now the Commission just needs to agree on the language. C. Henshaw explained the timeline of application submittal, stated that once the Commission signs the CR then the Selectboard would need to sign it prior to the end of July (2022). Continued to state the language for this CR will be like the Hyde's CR, which is based upon a template, there is no reserve rights, forest management allowed, habitat management allowed, collect and harvest plant material, allow trails. N. Croteau suggested the Town Attorney should review the drafted CR prior to the Commission signing. N. Croteau drafted a letter in support for Chairman M. Swett to sign to proceed with the proposed CR. No further discussion.

**E. ReSource Waste Service** - Notice of Project Filing (NPC) Announcement, EEA# 12699

N. Croteau presented a notice of the meeting to the Commission for their acknowledgement. Just adding tonnage to the site and not expanding the facility. No further discussion. No action required.

**F. National Grid** - Vegetation Management Plan Update, Letter dated April 25, 2022

N. Croteau presented an updated letter to the Commission for their acknowledgement. No further discussion. No action required.

**G. National Grid** - Pushbrace Installation Project, Letter dated April 27, 2022

N. Croteau presented an updated letter to the Commission for their acknowledgement. No further discussion. No action required.

**H. National Grid** - Electric Distribution Maintenance, Pulaski and South Street, Letter dated April 28, 2022.

N. Croteau presented an updated letter to the Commission for their acknowledgement. No further discussion. No action required.

**I. Trelleborg/Lamcotec** - Status Update regarding flooding issues, repairs

Chairman Swett asked if there has been any communication with the company about submitting permit applications to address the flooding issue. J. Prenosil suggested to reaching out to the engineer on record to see what the plan of action is. Discussion about a possible Enforcement Order to be issued. Commission does not want to proceed that way yet. J. Prenosil recalls in the last few emails, the engineers were leaning towards installing a culvert and possibly a clear span bridge. No further discussion. No action required.

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***ADJOURNMENT***

**MOTION** to adjourn at 8:12 pm. All in Favor.

Next regular scheduled meeting is on June 08, 2022.

Minutes from May 17, 2022

Respectfully submitted by,

Nicole Croteau

Conservation Commission Administrator

<i>Minutes Approved on: Aug 18, 2022</i>	
Swett	
Barnes	
Cote	
Rosenbeck	
Topor, IV	