



# TOWN OF WARE

## Conservation Commission

126 Main Street, Ware, Massachusetts 01082  
t. 413.967.9648 ext. 117

Meeting Minutes from  
**Wednesday, September 9, 2020**  
Selectmen's Conference Room, Town Hall

**Commission Members Present:** Thomas Barnes, Dennis Cote, Kristin Rosenbeck,  
Agent David Kopacz – non-voting member.

**Commission Members Absent:** Chairman Mark Swett

**Public in Attendance:** Nicole Croteau, Stuart Beckley, Rodney Galton, Kathleen  
Cronin, Steven Pikul, Jeremy Chapman, Ken Willette,  
Damien Berthiaume, Elio Qorri, Mary Dimo, Peter Martowski,  
Neil Jackson, Richard & Susan Fly, Joel Harder

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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

Vice-Chairman Tom Barnes called the meeting to order at 6:35 pm and led the Pledge of Allegiance.

### APPLICATIONS

#### A. DEP 317-420 by Town of Ware, Sheehy Road, Landfill, Minor Modification for Capping

David Kopacz, Bob LeMaitre and Stuart Beckley had a site walk in August and D. Kopacz suggested to S. Beckley to inform the Commission of proposed activity. S. Beckley presented to the Commission a "Waterway Improvements Report" prepared by Robert LeMaitre, PE, PLS, and supporting emails, describing the minor modifications to improve the reconstruction of the stormwater system at the eastern side of the landfill which would commence by October 15, 2020, if possible. In the original condition, there is a limit of work timeframe from April to October because the habitat and activity of the Wood Turtles. This proposed work would be within that timeframe by 15 days but be in the direct swale design area, by removing the logs and connecting to other drainage. The cost of the repair will be paid by the contractor.

**MOTION** by Denis Cote to accept the minor modifications as presented and discussed tonight. Seconded by Kristin Rosenbeck. No discussion. All in Favor 3/0/0.

#### B. RDA-2020-09 by AJS Restoration and Construction, Inc (Mary Dimo), 388 Palmer Road, Proposed Commercial Site.

The applicant proposes no work, improvements, or materials to be made and/or stored within the jurisdictional area located at 388 Palmer Road. David Kopacz conducted a site visit and asked for clarification on the proposed commercial use of the site. Mary Dimo, business owner, explained the existing buildings on site will be used as a showroom and office. The nature of the business is to display empty, clean, dumpsters, and storage containers. There will be no additional

construction to be done on site. D. Kopacz recommended to the Commission to issue a Negative Determination with the condition no solid waste to be stored in containers, containers are to be clean and no further development without Conservation review.

**MOTION** by Denis Cote to issue a Negative Determination, Number 3 with the condition that there is no solid waste is to be stored in the containers, containers are to be clean and any further developments and/or improvements need Conservation review. Seconded by Kristin Rosenbeck. No discussion. All in Favor 3/0/0.

**C. RDA-2020-10 by Peter Martowski, 21 Shady Path, Proposed House Addition**

Peter Martowski presented plans to indicate the proposed house addition is outside the 25' no disturbance zone. The addition would be supported by metal posts (6-8) driven into the ground, not a traditional concrete foundation. Explained there is very little environmental impact, no digging required. David Kopacz conducted a site visit and stated the proposed scope of work would not increase runoff; the posts are less disturbances to the wetlands. D. Kopacz did ask P. Martowski to remove the brush pile out of the wetlands and P. Martowski stated it was already removed, the day after the site visit. There will be silt fence installed as indicated on the plan. No further discussion.

**MOTION** by Kristin Rosenbeck to issue a Negative Determination, Number 3, for the construction of the house addition using piers/posts driven rather than a traditional concrete foundation. Seconded by Denis Cote. No Discussion. All in Favor 3/0/0.

**D. RDA-2020-11 by Coffey Hill Properties, Lot T Coffey Hill Road, Proposed Single Family Home (Parcel 19-0-44)**

Neil Jackson, representative from J & P Engineering Services representing Coffey Hill Properties, LLC for the construction of a new single-family home with driveway, septic system, well and associated site grading outside the 100-ft buffer to a BWV. David Kopacz conducted a site visit and suggested to have a second row of silt fence along the first row as indicated on the plan. N. Jackson stated that once the well is installed a second row of fence will be placed along the contours 588-586.

**MOTION** by Denis Cote to issue a Negative Determination, Number 3 with the condition to add a second row of silt fence along contour 588-586 as indicated on the proposed site plan for construction of new single family and associated activities. Seconded by Kristin Rosenbeck. No Discussion. All in Favor 3/0/0.

**E. RDA-2020-12 by Richard & Susan Fly, 19 Coldbrook Drive, construction of a Ecosystem Pond (14'x20'x30")**

David Kopacz asked R. Fly how the pond will be constructed. R. Fly stated there is a lining for the bottom, covered with river-rock and boulders, shaped like a pond, install the pump, and have water be brought in by a local pool water company. The pond ends up being self-efficient. D. Kopacz stated the original subdivision approval for this lot and abutting lot required a replication

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area along the roadway. Would like to make sure the area is delineated, verify the soil types and vegetation of the location of the proposed pond. Would like to have a site walk to verify what can be permitted exactly. T. Barnes feels that creating this ecosystem pond should require a Notice of Intent application. R. Fly agreed to a site walk on Sept 23, 2020 at 4:30pm. R. Fly asked if there is any way to avoid having to file a Notice of Intent Application? T. Barnes stated once the Commission sees exactly the intent of the project and location, then it can be determined if a NOI is needed or not. R. Fly to have the area indicated for the Commission to see. Present pictures of examples of how they would like it to look.

**MOTION** by Kristin Rosenbeck to continue the public hearing until the next scheduled meeting. Seconded by Denis Cote. No Discussion. All in Favor 3/0/0.

**F. DEP 317-452 by Ecos Energy, Monson Turnpike Road, Large-Scale Solar Array**

Rodney Galton presented a 75-page document, dated September 9, 2020, showing exhibits which do not support the claim of a cold-water stream from a resource area that would be affected by a proposed wetland crossing. Discussion between R. Galton and Tom Barnes continued talk about if this resource area has a direct impact to Beaver Lake, the importance of Beaver Lake to the Town of Ware and T. Barnes would like some type of proof there is no harm to be done to Beaver Lake. R. Galton stated there were test pits completed within the last year, stormwater was designed and had modification concerns. One of the outlets has changed direction and the standards are met and which were reviewed and approved by the peer reviewer. R. Galton stated that every system must handle 100-year storm, the basins which were designed drain away from Coffey Hill. Ken Willette from Beaver Lake Associates (BLA) expressed the same concerns as T. Barnes; has the Commission looked at the hydrology and the topography to the direct connection to Beaver Lake. Beaver Lake is spring feed, underground is more the concern. R. Galton stated there is no direct impact to Beaver Lake, which is over 700-ft away, there is no stream connection. The basins are sand filtered and need to be maintained. The basins (again) are designed for a 100-year storm as required. Kathy Cornin stated that BLA has over 10-years of data showing what phosphates and if the number of those increases this would be a major concern. K. Cornin has asked if Ecos has submitted a 401 Water Quality Report? Keith Davies is requesting a map of water flows from the proposed project to Beaver Lake. Another abutter asked about who maintains the site and drainage? T. Barnes stated R. Galton already addressed some of the areas of concerns but has concerns himself. Knows that the wood cutting can affect the sheet flow too. R. Galton stated Ecos is the property owner and does not sell the project or land. The function of the wetlands is basically cleaned through the stormwater basins, the project does not touch the left wetlands and will verify if there is a direct connection into Beaver Lake from the project site. End of discussion.

**MOTION** by Denis Cote to continue the public hearing to October 14, 2020. Seconded by Kristin Rosenbeck. No Discussion. All in Favor 3/0/0.

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**G. DEP 317-463 by Bertin Engineering, Greenwich Road, FT Smith, Large-Scale Solar Array**  
**MOTION** by Kristin Rosenbeck to continue the public hearing as requested by Applicant to the next scheduled meeting. Seconded by Denis Cote. No Discussion. All in Favor 3/0/0.

**H. DEP 317-465 by Bertin Engineering, Greenwich Road, Couture, Large-Scale Solar Array**  
**MOTION** by Denis Cote to continue the public hearing as requested by Applicant to the next scheduled meeting. Seconded by Kristin Rosenbeck. No Discussion. All in Favor 3/0/0.

**I. DEP # None Given by Bertin Engineering, 278 Osborne Road, Harder, Large-Scale Solar Array**  
N. Croteau reviewed the history of the site with the Commission: the prior Order of Conditions under Krol and the site plan stating the current mobile home on the site was to be removed. S. Pikul asked how many more site walks are needed for this project? David Kopacz replied at least until the mobile home is removed. S. Pikul stated D. Berthiaume sent a notice asking the Commission to issue the Certificate of Compliance with a condition to have the mobile home removed 120 days after the end of the State of Emergency regarding COVID-19. D. Kopacz suggested Town Counsel to review the language before the Commission issues or signed any determination. D. Berthiaume stated that Boards/Committees creates decisions for future conditions all the time. S. Beckley suggested that Counsel review the wording from D. Berthiaume. N. Croteau stated Harder/Bertin Engineering needs to submit the Request for Certificate of Compliance, Form 8A, filing fee of \$50.00 and an engineering report/letter supporting the Request. S. Pikul asked again about why does the Commission need another site walk? How many more are needed? Why so many? S. Beckley stated Denis Cote has not been on site for the solar. S. Pikul kept asking about the site walk and when will it be the last one, stated Joel Harder wants to be assured this will be the last site walk when the Certificate of Compliance is issued for this old Order. Denis Cote simply stated this cannot be known for sure. There is supposed to be a joint site walk with Hardwick's Conservation to review the solar project/application and this Commission has yet to even hear the application. Joel Harder stated this would have been the 5<sup>th</sup> time the Commission has conducted a site walk on this property. J. Harder stated the trailer (mobile home) needs to be moved for the installation of the solar arrays and it will be but now a family is living it in. S. Pikul stated this needs to end at some point (referring to the site walks).

**MOTION** by Denis Cote to continue the public hearing until Oct 2020. Seconded by Kristin Rosenbeck. No Discussion, site walk is scheduled for September 23, 2020. All in Favor to continue 3/0/0.

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## ADMINISTRATION REPORT

The Department received 14 abutters list for an ANRAD filing. But no application submitted yet.

**Bondsville Road** – D. Kopacz stated the area was cleaned up and Mr. Murray owns the Right-Of-Way for kayaks to the river. D. Kopacz to ask for an update from the homeowner.

## ADJOURNMENT

**MOTION** to adjourn at 9:07 pm. All in Favor 3/0/0.

Next scheduled meeting is on: October 14, 2020.

Minutes from September 9, 2020

Respectfully submitted by:

Nicole Croteau

Conservation Administrator

*Minutes Approved on:* \_\_\_\_\_

Swett

Barnes

Cote

Rosenbeck

