



TOWN OF WARE

Conservation Commission

126 Main Street, Ware, Massachusetts 01082
413.967.9648

Meeting Minutes from
Wednesday, September 14, 2022
Selectmen's Conference Room, Town Hall

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

Commission Members Absent: Peter Topor IV

Public in Attendance: Charles Ferrero, Thomas and Patricia Clark, Joel Pentlarge, Stuart Beckley, John Prenosil, Nicole Croteau, Anna Marques

Public in Remote Participation: None

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 6:37 pm and led the Pledge of Allegiance.

APPLICATIONS

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

N. Croteau provided the latest peer review letter and an email from Bertin Engineering Inc, in response to the comments. No further discussion. Applicant requested a continuance.

MOTION by Vice-Chairman Thomas Barnes to continue to the next scheduled meeting date.

Seconded by Kristin Rosenbeck. No further discussion.

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

N. Croteau provided an updated draft of the Order of Conditions for review (highlighted comment regarding boundary markers). Vice-Chairman T. Barnes informed the Commission that Hardwick is working with DCR for off-site tree planting. No further discussion. Applicant requested a continuance.

MOTION by Kristin Rosenbeck to continue to the next scheduled meeting date. Seconded by Dennis Cote. No further discussion.

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

DEP #317-482 by Charles Ferrero for TCC Properties, 91 Coffey Hill Road
NOI – Proposed construction of a single-family home served by private septic and well located within Riverfront Area.

Applicant, Charles Ferrero, stated the work was approx. 126-feet from the river, building approx. 1248 sq ft house with on-site private well and septic. Agent John Prenosil stated there was missing information from the plan and application. This is about 99% riverfront project, would prefer to see project as far as possible from the unnamed stream in the rear of the lot. Continued to state to minimize the yard by 25-ft, restore well area by revegetating, and install boundary markers every 40 to 50 feet. Regulations allow 10% disturbance, and the proposed project is at approx. 36%. Discussion continued about the location of the house, adding a detached garage to the site, disturbance percentages and the proposed boundary marker line as well as requesting the Applicant to provide a construction sequence plan/document. Commission requested the applicant to reflect these changes on a revised site plan for the next meeting.

MOTION by Kristin Rosenbeck to continue to the next regular scheduled meeting with the applicant to provide a revised plans as discussed. Seconded by Dennis Cote. No further discussion.

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

RDA-2022-10 by Peterson Landscaping for Cynthia Haddock, 116 Shoreline Drive
Request for Determination of Applicability whether the area and work are subject to the WPA for the removal of three (3) threat trees.

N. Croteau presented the application to the Commission. The applicant was not present. Chairman Swett asked if there were photos provided for the tree being requested. N. Croteau stated no photos were provided. Chairman Swett stated maps and photos should be provided for references. No further discussion.

MOTION by Vice-Chairman Thomas Barnes to continue to the next regular scheduled meeting with the applicant to provide photos as requested. Seconded by Kristin Rosenbeck. No further discussion.

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

DEP #317-0061 by Clifford Heaton, 19 Horseshoe Circle

Request for Certificate of Compliance for the work regulated by the Order of Conditions has been satisfactorily completed. Work under the Order was for site grading and placement of two retaining walls.

Chairman Swett asked the Agent if there were any issues on site. Agent John Prenosil stated the wall was completed accordance to the plans approved.

MOTION by Vice-Chairman Thomas Barnes issue a complete Certificate of Compliance for the work approved. Seconded by Kristin Rosenbeck. No further discussion.

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

ADMINISTRATION

A. Kevin Lizak – Parcel 1-0-11, Bondsville Road – Discussion of camper within 100’ of Riverfront.

N. Croteau stated J. Prenosil confirmed the camper distance and does not appear to be a threat to the river. Vice-Chairman T. Barnes asked about the shed and the Commission was in agreement that it was fine. No other structures to be allowed within the riverfront. No further discussion. No action taken. Matter is closed at this time.

B. EC-2022-01 – Emergency Certificate, 13 Point View Road, Removal of trees over utility lines.

J. Prenosil issued an EC for dead trees hanging over the utility lines – there was little to no ground disturbance. Work was completed within one days’ worth of time and inspected the site upon completion. No further discussion. No action taken.

C. DEP #317-401 / EO-2022-01– Enforcement Order Issued, Thomas & Patricia Clark, 111 Greenwich Road for possible non-permitted BVW & Riverfront alterations.

J. Prenosil issued an EO based upon aerial photography and the appearance of the additional disturbance not allowed by the Order of Conditions issued. Also noted that NHESP required a certain area not to be mowed during a certain animal migration period.

J. Prenosil requested to walk the site with the owners to verify if violations have been made. (Aerial photos provided to the Clark’s for reference and a copy of the approved site plan, which was recorded with the Order of Conditions). A site walk date will be determined between the Clarks’ and the Agent. No further discussion. No action taken at this time.

D. DEP #317-147 – 1 Doane Road – Retaining Wall Discussion

Vice-Chairman T. Barnes expressed his concerns the retaining wall is in dire need of repair. Understands there is some confusion about the ownership of the wall (either J. Pentlarge or MassDOT) but the wall needs to be repair before it collapses. Discussion continued about the past filing and who is the owner of the retaining wall.

Commission agrees that J. Pentlarge shall submit a Notice of Intent for the wall repair and attend the next meeting for a project update. N. Croteau to email a list of consultants in the area as requested. J. Prenosil stated he has been in communication with MassDOT for verification of ownership and stated the footings on the house should be repaired or structural reinforced. No further discussion. No action taken.

E. DEP #317-360 – Parcel 62-36-1, Crescent Street, Tax Lien Citation Notification Discussion
N. Croteau presented said notification to the Commission for review and how this is a standard practice, and no action is required by the Commission at this time. Discussion was about the site location and ownership. No further discussion. No action taken.

F. MASS DOT Project #605126 – Route 32 Bridge Replacement – General Update
S. Beckley stated the project is expecting bids in a month and hoping for spring construction. Chairman Swett asked about the East Street bridge and S. Beckley said plans were approved for sidewalks and hope for a fall project. No further discussion. No action taken.

G. Approval of Meeting Minutes – July 13th & August 10, 2022

MOTION by Kristin Rosenbeck to table the minutes for August 10th and approve the minutes as presented for July 13th, 2022. Seconded by Vice-Chairman T. Barnes. No further discussion.

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

H. Discussion of Special Conditions – Relating to the requirement of having tree stumps remain at 1 – 2 feet above grade.

Vice-Chairman T. Barnes stated the tree stumps remain above grade to act as soil reinforcement and/or erosion control. A. Marques states this could become a safety concern. When owners ask why the Commission requests it, wanted to give a concrete answer. Asked if the owners could cut lower to the ground. Chairman Swett stated if the tree was cut lower then the tree would rot faster. Chairman Swett stated it could become a standard condition that if within 15-20 feet of water then cut flush but if farther then leave at 1 to 2 feet above ground. This topic generated into discussion about a Conservation Guidelines/Bylaw and violation fees. An accepted Bylaw or Guideline Booklet would benefit the Commission. This would address fines, violations, etc. N. Croteau stated a draft of Bylaws was created during COVID timeframe but needs to be finalized and then follow the proper procedures to be accepted. No further discussion. No action taken.

I. Video regarding First Amendment Right Auditor

N. Croteau played a video of auditors at a recent trip to a near-by city. Discussion continued about people’s rights in public buildings, what can and can not be done, etc. No further discussion. No action taken.

J. Discussion of Past and Current Violation Fees – Relating to violation fines

This was discussed under item H. Special Conditions.

ADJOURNMENT

MOTION to adjourn at 8:08 pm. All in Favor.

Next regular scheduled meeting is on October 12, 2022.

Minutes from September 14, 2022

Respectfully submitted by,

Nicole L. Croteau

Nicole Croteau

Conservation Commission Administrator

<i>Minutes Approved on: November 09, 2022</i>	
Swett	<i>[Signature]</i>
Barnes	<i>[Signature]</i>
Cote	<i>[Signature]</i>
Rosenbeck	<i>[Signature]</i>
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