



TOWN OF WARE

Conservation Commission

126 Main Street, Ware, Massachusetts 01082
413.967.9648

Meeting Minutes from
Thursday, September 23, 2021
Selectmen's Conference Room, Town Hall

Commission Members Present:	Chairman Mark Swett, Vice-Chairman Thomas Barnes, Dennis Cote
Commission Members Remote:	Kristin Rosenbeck
Commission Members Absent:	Peter Toper IV
Public in Attendance:	Jared Juelke, Sarah Buelow, Cathy Buelow-Cascio, Marie Lauderdale, Peter Kochanek, Shelly & Nate Lane, Nicole Croteau, Stuart Beckley
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.

PLEDGE OF ALLEGIANCE

Chairman called the meeting to order at 6:00 pm and led the Pledge of Allegiance.

APPLICATIONS

RDA-2021-14 by Marie Lauderdale and Lew Burton, 13 Horseshoe Circle

Request for determination whether the work depicted on the plan(s) referenced is subject to the WPA. Applicant would like to remove fallen tree – part on land and part within Beaver Lake.

Marie Lauderdale had a 60-ft^{+/-} tree uprooted in the rear yard during a recent storm (a microburst). Causing damage to her private boat dock and by pushing a small tool shed off its foundation. Scope of work will include removing the tree by hand, which will require the tree removal company to wade in the water or accessing part of the tree from the dock while using chainsaws with biodegradable oil (bar oil), then lifted and winched to shore. The tree on land will be cut and removed as well by hand. Cranes can not be used due to location and access to the water. All terrain mats will be used to protect the area.

N. Croteau read a draft of a possible decision, "Removal of a large fallen tree, part on land and part within Beaver Lake. The process will be completed by accessing the tree in the water by wading, using the existing dock or canoe boats; cutting the tree with a chainsaws using biodegradable oil (bar oil); then winched and brought to shore. No crane(s) will be allowed. Once tree debris is brought to the shore, the tree will be carried to the truck, and the area will be protected by using all terrain mats. No wood chipping to be done near the lake and the stump

is to remain 1 to 2 feet above grade - no stump grinding allowed. Repair to the shed is allowed within the same existing footprint.”

The Commission and Applicant were in agreement on the draft decision. No further discussion.

MOTION by Thomas Barnes to issue a Negative Determination, Sighting Number 2 with the statement provided above by N. Croteau. Seconded by Dennis Cote. No further discussion.

Roll Call:	Mark Swett	Yes	Thomas Barnes	Yes
	Dennis Cote	Yes	Kristin Rosenbeck	Yes
	Peter Toper, IV	Absent	All in favor.	4/0/0.

ADMINISTRATIVE

Quarry Street – General Discussion

Cathy Cascio is representing the owners on Quarry Street who are present to discuss two main topics of concerns. First, the beaver pond near the top of Quarry Street and second the flooding of the street is causing damage to basements. C. Cascio continued to tell a brief history of the area; how the depth of the brook is shallower, how the brook was clean and clear with none to low vegetation, how some of the culverts were cleaned but then the machine broke which was never finished and how the retaining wall is now gone. C. Cascio is coming forth to the Commission to ask for a solution.

General discussion continued: Chairman M. Swett felt that years ago the brook should have been dredged. Peter Kochanek stated the brook does dry up in August – September timeframe. Vice-Chairman T. Barnes said that the work completed years ago, is not effective today (the brook having 90° bends). S. Beckley suggested Tighe & Bond could add the cost of paperwork to permit the clearing/cleaning of the stream. S. Beckley and T. Barnes discussed MEMA Funds. Chairman M. Swett stated any damage done to a property; it is that property owner’s responsibility to permit work. C. Cascio asked about Anair’s driveway culvert if it was permitted or if the culvert is undersized which is the cause of the flooding. Chairman M. Swett stated there is no way to know, it could have been an Army Corp of Engineers project years ago. It appears Anair’s driveway was recently worked on, without a Conservation permit. Any work within 200ft a Riverfront requires a Conservation permit. Discussion continued about where to start this permitting process. S. Beckley stated Tighe & Bond will be hired by the Town to complete the paperwork, then present it to the Commission and DEP for approval. Also stated that Senator Gobi is setting up a meeting with Fish and Wildlife to discuss this issue. Chairman M. Swett is aware something needs to be done but needs to follow the proper procedures, here to help when possible. Shelly Lane is concerned about the beaver dam breaking before being fixed – who would be liable for the repair cost? Answer is unknown. Chairman M. Swett added the water could be diverted from the beaver activity. S. Lane asked about repairing the retaining wall – Chairman M. Swett stated the project would need a Notice of Intent application. Residents are overall concerned for their property. End of discussion.

ADJOURNMENT

MOTION to adjourn at 6:45pm. All in Favor.




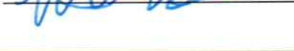
Next scheduled meeting is on October 13, 2021.

Minutes from September 23, 2021

Respectfully submitted by,

Nicole Croteau

Conservation Commission Administrator

<i>Minutes Approved on: January 26, 2022</i>	
Swett	
Barnes	
Cote	
Rosenbeck	
Topor, IV	